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*J. Henry*





# PATRICK HENRY

## LIFE, CORRESPONDENCE AND SPEECHES

BY

WILLIAM WIRT HENRY

*WITH PORTRAIT*

VOLUME I.

NEW YORK  
CHARLES SCRIBNER'S SONS

1891

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## PREFACE.

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IN preparing his sketch of Patrick Henry, William Wirt, his first biographer, admits that the materials he had been able to collect were "scanty and meagre, and utterly disproportionate to the great fame of Mr. Henry." The author of these volumes can make no such excuse for their deficiencies. He has had access to nearly all of the material used by Mr. Wirt, including most of the communications received from the contemporaries of Mr. Henry, which have been kindly furnished by Dr. William Wirt; and to a mass of matter which it was not the good fortune of Mr. Wirt to examine. A most important part of this additional matter consists of the private papers of Mr. Henry, left at Red Hill, which came into the possession of his youngest son, John Henry, the father of the author. To these, fortunately, has been added a considerable correspondence, gathered from different quarters, which, though far from being complete, throws a flood of light on Mr. Henry's career, and is of great value in estimating the part he bore in the American Revolution, and the important period that followed it.

The correspondence and works of his contemporaries, published within this century, have also added greatly to the material for a life of Patrick

Henry. Among these should be specially mentioned the letters of George Washington, Richard Henry Lee, Thomas Jefferson, and James Madison, and the diary of John Adams during the Congress of 1774. In the State Department at Washington, among the papers of Washington and of the Continental Congress, many letters of Patrick Henry have been found which have never been printed, and many more have been discovered among the Executive and Legislative papers preserved at the Capitol at Richmond. In addition, access has been had to the Executive journal kept during nearly all of Mr. Henry's service of five years as Governor, and to his Executive letter-book after the Revolution, from which a few letters have been copied. The missing volumes were destroyed, or carried away, during the raid of Arnold in 1781. The author has also been fortunate in finding, in print or in MS., the journals of nearly every session of the deliberative bodies in which Mr. Henry served, and the legislative papers of the House of Delegates of Virginia, from the commencement of its existence as a State in 1776.

In using the material thus put at his command he has been greatly aided by the admirable volume of Dr. Moses Coit Tyler on Patrick Henry, which appeared while this work was in preparation.

In collecting the correspondence of Mr. Henry the author has been under obligations to a number of persons who have sent him copies of original letters in their possession. Among these he would mention Hon. Lyman C. Draper, of Wisconsin; Mrs. Susan Bullitt Dixon, of Kentucky; Colonel

Charles C. Jones, of Georgia; Professor William Winston Fountaine, of Texas; Z. T. Hollingsworth, of Boston; John B. Thacher, of Albany; Dr. Thomas Addis Emmet, D. McN. Stauffer, and William R. Benjamin, of New York; F. D. Stone, A. Gratz, Charles Roberts, and John W. Jordan, of Philadelphia; Reverend I. Edwards, of Plymouth, Pa., and Hon. I. Stamford Raffles, of Liverpool, England. He would also acknowledge his indebtedness to Miss Kate Mason Rowland, of Baltimore, who, from her collection of material for a Life of George Mason, has furnished him with valuable papers. From the gentlemen in charge of the MSS., in Washington and Richmond, he has met with the most courteous assistance. He would here express his thanks, not only for the aid extended him in collecting material for his work, but for the expressions of interest in it which have reached him from so many quarters.

The task of the author has been performed in the midst of exacting professional engagements, and under the disadvantage of inexperienced authorship. He is aware that he has not done justice to his subject, but he trusts that the material he has been able to gather will enable the world to form a more just estimate of the character and genius of Patrick Henry, and of his great services to his country.

WILLIAM WIRT HENRY.

RICHMOND, VA.



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## **LIFE OF PATRICK HENRY**





# LIFE OF PATRICK HENRY

## CHAPTER I.

### PARENTAGE—EARLY LIFE—1736-1760.

**Parentage.**—Winstons, Henrys, Robertsons.—**Patrick Henry's Birth**  
**Youth, Education.**—**Influence of Rev. Samuel Davies on Him.**—  
**Mercantile Life.**—**Marriage.**—**Life as a Farmer and Merchant.**  
—**Studies Law.**—**Obtains License to Practise.**

WITHIN the first quarter of the eighteenth century, three brothers of the ancient and honorable family of Winston, of Yorkshire, England,<sup>1</sup> emigrated from Wales to the Colony of Virginia. They were named William, Isaac, and James, and from them have descended a numerous posterity, which has embraced many of the most distinguished of American citizens. Isaac Winston married Mary Dabney and resided in the County of Hanover. Among their children was a daughter, Sarah, who married Colonel John Syme, and lived in the same county.

There also emigrated to Virginia, some time prior to 1730, John Henry, the son of Alexander Henry and Jean Robertson, of Aberdeen, Scotland. John Henry was a friend of Robert Dinwiddie, who became Governor of Virginia in 1752, and it is said

<sup>1</sup> The Duke of Marlborough was descended from the Gloucestershire branch of the family.

brought a letter of introduction from him to Colonel John Syme.<sup>1</sup> It is very probable that the families were at this time connected in Scotland, and that this fact caused John Henry to make his way to Hanover on his arrival in Virginia. However this may be, it is certain that he soon became domesticated in the family of Colonel Syme.

The author is indebted to Sir Mitchell Henry, of Kylemore Castle, Galway, Ireland, for years a distinguished member of Parliament, for some account of the Henry family of Scotland. He writes: "Although the recent Henrys are of Scotch extraction, the family was originally Norman, and will be found in the *Livre des Conquérants* of William the Conqueror; and in Brittany there are many Henrys, (not Henri) still remaining. Some of the Henrys after the Conquest settled in England, and some went north to Scotland, and are to be found in 1153 in Hampshire, Bedfordshire, and Surrey, among the latter in 1196, Alexander filius Henrici. I have little doubt that if anyone would take the trouble to do it, a very complete history of the family name could be traced, as their names occur in the roll of Battle Abbey, and in Domesday Book, and in the Great Rolls of the Pipe, 1153." Of his own family he writes: "The branch from which I descended came from Scotland to Ireland in the year 1616, at the plantation of Ulster, and settled as substantial yeomen at Loughbrickland, County Down, which they still possess. The names of Alexander, Patrick, Archibald, and Hugh were common with them. There are other Henrys in Ireland, who have a pelican as coat of arms, of whom Hugh Henry, of Straf-

<sup>1</sup> Wirt's *Life of Patrick Henry*, 20, edition of 1836.

fan, was the representative, and married into the family of the Duke of Leicester. The late Sir Thomas Henry, the chief magistrate of London, lately dead, was a Henry professing the Roman Catholic religion, and the son of William Henry, of Dublin, who was employed in a romantic attempt to rescue Marie Antoinette from prison and the scaffold."<sup>1</sup>

John Henry, the emigrant, was second cousin to David Henry, who, leaving Scotland for London at the age of fourteen, became a journeyman printer in the same office with Benjamin Franklin, and afterward married the sister of Edward Cave, the founder of the "Gentleman's Magazine." He was for more than fifty years an associate editor of that valuable publication, and was an accomplished scholar and writer. David Henry described his Henry kin in Scotland as "more respected for their good sense and superior education than for their riches; as at every neighboring meeting of gentlemen they were among the foremost."<sup>2</sup>

Jean Robertson, the mother of John Henry, was a sister of Rev. William Robertson, the father of Dr. William Robertson, the distinguished scholar, historian, and divine.<sup>3</sup> One of the sisters of Dr. Robertson married a Syme, doubtless a relation of Colonel John Syme, of Virginia. She was the mother of Eleanor Syme, the mother of Henry Brougham, who considered himself indebted to her for his talents.<sup>4</sup> The Robertsons were descendants of the Duncans of Scotland, and William Robertson was said to have had the blood of John Knox in his

<sup>1</sup> MS. letter dated September 21, 1876.      <sup>2</sup> "Gentleman's Magazine."

<sup>3</sup> She is sometimes represented as a sister of Dr. Robertson, but the dates of birth of his sisters disprove this.

<sup>4</sup> Life and Times of Lord Brougham, written by himself, i., 17.

veins.<sup>1</sup> Donald, a younger brother of Jean Robertson, emigrated to Virginia, and conducted a classical school in King and Queen County, at which James Madison was prepared for Princeton College. Madison referred to him in after-life as his "learned teacher."<sup>2</sup> Donald Robertson was related to the late learned Chief-Justice of Kentucky, George Robertson.

John Henry was a man of classical education. The Rev. Samuel Davies, himself a finished classical scholar, describes him as a man more familiar with his Horace than with his Bible.<sup>3</sup> He was by no means deficient, however, in his knowledge of the latter, as is abundantly shown by a letter to his brother, the Rev. Patrick Henry, which has been preserved. In it he refers to a discussion going on between himself, Colonel Richard Bland, and Commissary Blair upon the doctrine of eternal punishment, which he defends by a critical examination of the Greek text of the New Testament.<sup>4</sup> He is described by his acquaintances as a man of plain but solid understanding, a zealous member of the Established Church, and warmly attached to the reigning family. He led a life of irreproachable integrity and exemplary piety, and won the full confidence of the community in which he lived. He filled the offices of county surveyor and presiding magistrate of the county of Hanover, and was colonel of its regiment of militia. As their commanding officer he convened the militia at the Court House, and celebrated the coronation of George the Third by mak-

<sup>1</sup> Life and Times of Lord Brougham, written by himself, i., 82.

<sup>2</sup> Rives's Madison, i., 10.    <sup>3</sup> Grigsby's Virginia Convention of 1776, 145.

<sup>4</sup> "Evangelical Magazine," iii., 173.

ing them perform a number of evolutions, and burn a quantity of gunpowder, little dreaming that a son of his would be instrumental in separating America from his Majesty's dominions.

Colonel John Syme died in the year 1731, as near as can be ascertained, leaving one child, a son, and a most attractive widow, who has been so well described by Colonel William Byrd, of Westover, that the passage may well be transcribed. In his "Progress to the Mines," under date of October 7, 1732, he writes :

**"In the evening Tinsley conducted me to Mrs. Syme's house, where I intended to take up my quarters. This lady, at first suspecting I was some lover, put on a gravity which becomes a weed, but so soon as she learned who I was, brightened up into an unusual cheerfulness and serenity. She was a portly, handsome dame of the family of Esau, and seemed not to pine too much for the death of her husband, who was of the family of the Saracens. He left a son by her, who has all the strong features of his sire, not softened in the least by any of hers.**

**"This widow is a person of a lively and cheerful conversation, with much less reserve than most of her countrywomen. It becomes her well, and sets off her other agreeable qualities to advantage. We tossed off a bottle of honest port, which we relished with a broiled chicken." On the next day, he adds, "I moistened my clay with a quart of milk and tea, which I found altogether as great a help to discourse as the juice of the grape. The courteous widow invited me to rest myself there that good day, and go to church with her, but I excused myself by telling her she would certainly spoil my devotions. Then she civilly entreated me to make**

her house my home whenever I visited my plantations, which made me bow low and thank her very kindly."

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As Colonel Byrd was not only an accomplished scholar, but was one of the wittiest men in the colony, it is not to be wondered at that the gravity of the young widow was disturbed by his polished humor. The cheerfulness of which he speaks never left her, and if not at that time, she soon became, a devoted Christian. She is described as a woman of remarkable intellectual gifts, with an unusual command of language, and as happily uniting firmness with gentleness in the management of her family, before which she set an example of fervent piety. Her talents, indeed, seemed a family possession; certainly her brother, William Winston, was a person of great powers of eloquence, as the following account of him in a letter of Nathaniel Pope to Mr. Wirt attests.

"I have often heard my father, who was intimately acquainted with this William Winston, say, that he was the greatest orator whom he ever heard, Patrick Henry excepted; that during the last French and Indian War, and soon after Braddock's defeat, when the militia were marched to the frontier of Virginia against the enemy, this William Winston was the lieutenant of a company; that the men, who were indifferently clothed, without tents, and exposed to the rigor and inclemency of the weather, discovered great aversion to the service, and were anxious, and even clamorous, to return to their families, when this William Winston, mounting a stump, addressed them with such keenness of invective, and declaimed with such force of eloquence on

liberty and patriotism, that when he concluded the general cry was, 'Let us march on; lead us against the enemy!' and they were now willing, nay, anxious, to encounter all those difficulties and dangers, which, but a few moments before, had almost produced mutiny."<sup>1</sup>

Not many months after this visit of Colonel Byrd, Mrs. Syme married John Henry. Their residence was Studley, in Hanover County, the home of Mrs. Henry before marriage, situated three miles from Hanover town and sixteen from Richmond. The dwelling has long since disappeared, and its site is marked by antique hedges of box, approached through an avenue of aged trees. The spot is surrounded by a forest, which is devoid of picturesque scenery, but which makes it literally true that the subject of this memoir was "forest-born."<sup>2</sup> A few miles distant are the "Slashes of Hanover," famous as the birthplace of Henry Clay.

There were nine children born to John Henry and Sarah Winston, two sons and seven daughters, and from them has sprung a numerous progeny, including many persons of distinction.<sup>3</sup> The daughters are described as being nearly all of them very gifted. The first son was named William, after Mrs. Henry's brother; the second, born May 29, 1736, was named Patrick, after the Rev. Patrick Henry, the brother of John Henry. This gentleman had been induced to come to Virginia by his brother, through whose influence he had been made rector of St. George's parish, in Spottsylvania County, in April, 1733. On June 11, 1736, he be-

<sup>1</sup> Wirt's Henry, 21.

<sup>2</sup> Lord Byron so calls him in *The Age of Bronze*.

<sup>3</sup> See Appendix I.



came rector of St. Paul's parish, in Hanover County. On the same day the Vestry Book records that John Henry was chosen one of the vestry, and sold to the parish a tract of land containing three hundred and forty-eight acres, called Mount Pleasant, as a glebe.<sup>1</sup> The two brothers, who were tenderly attached to each other, afterward lived not far apart.

While Patrick Henry was still an infant his parents removed to another home in the same county, on the South Anna River, near Rocky Mills, and about twenty-two miles from Richmond. This new home was then called Mount Brilliant, but afterward became known as The Retreat.

Here Patrick Henry spent his youth, and received his education. As that youth has been represented as having been thrown away in idleness, it is fortunate that the account of it given by his brother-in-law, Colonel Samuel Meredith, has been preserved. Colonel Meredith was four years his senior, and lived within four miles of him. He says :

“He was sent to a common English school until about the age of ten years, where he learned to read and write, and acquired some little knowledge of arithmetic. He never went to any other school, public or private, but remained with his father, who was his only tutor. With him he acquired a knowledge of the Latin language, and a smattering of the Greek. He became well acquainted with mathematics, of which he was very fond. At the age of fifteen he was well versed in both ancient and modern history. Until he attained to eminence at the bar, there was nothing very remarkable in

<sup>1</sup> Extract from Vestry Book, published in “The Southern Churchman,” April 22, 1886.

the person, mind, or manners of Mr. Henry. His disposition was very mild, benevolent, and humane. He was quiet, and inclined to be thoughtful, but fond of society. From his earliest days he was an attentive observer of everything of consequence that passed before him. Nothing escaped his attention. He was fond of reading, but indulged much in innocent amusements. He was remarkably fond of his gun. He interested himself much in the happiness of others, particularly of his sisters, whose advocate he always was when any favor or indulgence was to be procured from their mother. In his youth he seemed regardless of the appearance of his outside dress, but was unusually attentive in having clean linen and stockings. He was not remarkable for an uncouth or a genteel appearance in his youth. In fact, there was nothing in early life for which he was remarkable, except his invariable habit of close and attentive observation. He had a nice ear for music, and when he was about the age of twelve he had his collar-bone broken, and during the confinement learned to play very well on the flute. He was also an excellent performer on the violin. He was in early youth, as in advanced life, plain and easy in his manners, exempt from that bashfulness often so distressing to young persons who have not seen much company. His father often said that he was one of the most dutiful sons that ever lived, and his sister, Mrs. Meredith, states, that he was never known in his life to utter the name of God, except on a necessary or proper occasion.”<sup>1</sup>

Another of Mr. Henry's early companions writes :

“ He was delighted with the ‘ Life and Opinions of Tristram Shandy,’ which I have known him to read

<sup>1</sup> MS. Narrative of Colonel Samuel Meredith, taken down by Judge William H. Cabell and sent to Mr. Wirt.

several hours together, lying with his back upon a bed. He had a most retentive memory, making whatever he read his own. I never heard him quote verbatim any passages from history or poetry, but he would give you the fact or sentiment in his own expressive language. He had a most extraordinary talent for collecting the sentiments of his company upon any subject, without discovering his own, and he would effect this by interrogations which to the company often appeared to be irrelevant to the subject."<sup>1</sup>

It was also the testimony of several of his early companions, "that he was remarkably fond of fun, but that his fun was innocent, and he never discovered in any one action of his childhood or youth the least spice of ill-nature or malevolence; also that he was remarkably fond of hunting, fishing, and playing on the violin."<sup>2</sup>

From the statement of Patrick Henry in after-life, we learn that at fifteen he had read Virgil and Livy in the original;<sup>3</sup> and from some sentences in French written by him in a law book, in 1760, it appears that he must have been taught something of that language. He also told Judge Hugh Nelson, that a little later in life he made it a rule to read a translation of Livy through every year.<sup>4</sup>

The character given of young Patrick Henry by his companions indicates the careful religious training he received from his pious parents. In addition to this it was his good fortune in his youth to come under the influence of a man of the highest order of

<sup>1</sup> MS. Letter of Nathaniel Pope to Mr. Wirt, September 27, 1805, giving statement of Captain George Dabney.

<sup>2</sup> Id.

<sup>3</sup> Diary of John Adams, *Life and Works*, ii., 396.

<sup>4</sup> Wirt's Henry, 31.

genius and of the deepest piety. This was the celebrated pulpit orator, Samuel Davies. The circumstances leading to the residence in the County of Hanover of this gifted man, who exercised so marked an influence over the future of Patrick Henry, are full of interest.

In the early part of the eighteenth century, many of the ministers of the Established Church in Virginia had become very unfaithful to the religion of the Bible, both in their preaching and their manner of life.<sup>1</sup> Far removed from the eye of their diocesan, the Bishop of London, and often mere clerical adventurers, who had sought positions in the colony from mercenary motives, they not only did not preach the gospel of Jesus Christ with faithfulness themselves, but they were unwilling that their parishioners should hear it from other lips. They were therefore careful that the laws against absenting one's self from Episcopal services, and against attending the preaching of Dissenters, should be rigorously enforced in their parishes.

In the county of Hanover, about the year 1740, four gentlemen, who had been very regular in their attendance at church, becoming convinced that the parish minister was not preaching the gospel,<sup>2</sup> absented themselves from church the same day, but without preconcert. Summoned before the magistrate to answer for their conduct, each learned for the first time that three of his neighbors were under the like condemnation with himself. They bore

<sup>1</sup> See this brought out in Bishop Meade's *Old Churches and Families of Virginia*.

<sup>2</sup> This minister was no doubt the rector of St. Martin's parish, and possibly Rev. Robert Barrett. See Meade's *Old Churches*, i., 420.

their fines patiently, and afterward met regularly in their private houses on the Sabbath, and read what few religious books they could get, delighting mostly in some volumes of Luther. Soon the attendance became too large for a private house, and they built houses of worship, calling them "Morris's Reading Houses,"<sup>1</sup> after Samuel Morris, on whose land the first was built. From this beginning was developed the Presbyterian Church in Hanover, which soon extended over all the colony between the mountains and the sea-shore.

Isaac Winston, the father of Mrs. John Henry, was probably one of the four gentlemen who absented themselves from the parish church. If not, he soon joined them, for we find him indicted in the General Court, held by the Governor and Council, October 19, 1745, for permitting the Rev. John Roane, a dissenting minister, to preach at his house.<sup>2</sup>

In 1748 Rev. William Robinson, an eminent Presbyterian minister, was sent by the Presbytery of Newcastle, as an evangelist to visit the churches in Virginia. He preached to the Dissenters in Hanover, and on leaving they expressed their gratitude by presenting him with a considerable sum of money. This he declined, but when he found that they had put it into his saddle-bags, he consented to keep it, if he were allowed to use it in educating a young man to be sent to them as a minister. The young man he selected was Samuel Davies.<sup>3</sup> He was educated at the famous classical school of Samuel Blair, at Fogg's Manor, in Pennsylvania, and came to Hanover in 1747,<sup>4</sup> after first obtaining from the Gov-

<sup>1</sup> Foote's Sketches of the Presbyterian Church in Virginia, 122-3.

<sup>2</sup> Id., 141-2 and 161.

<sup>3</sup> Id., 129.

<sup>4</sup> Id., 160.

ernor and Council the benefit of the toleration act, by which he was permitted to exercise his ministry unmolested. He continued to preach in Hanover and the surrounding counties, until he was called to the presidency of Princeton in 1759. This ministry of twelve years was only interrupted by a mission to England in behalf of an endowment for the college, which was entered upon in the fall of 1753, and lasted fifteen months. So successful was he in his labors in the ministry, that he is justly regarded as "the father of the Presbyterian Church in Virginia;" and his contemporaries declared that he

was "the prince of American preachers," and second only as a pulpit orator to the great Whitefield. In person he was tall, well proportioned, erect, and comely; his carriage easy, graceful, and dignified; his dress neat and tasteful, and his manners polished. A distinguished Virginian well expressed the impression his appearance made, who, seeing him walk through a courtyard, remarked that "he looked like the ambassador of some great king." He was endowed with a voice strong, clear, and musical, a memory from which nothing seemed to escape, a powerful yet delicate imagination, a perfect command of strong, ornate, and perspicuous diction, and an animation in delivery which lighted up his features, pervaded every look, gesture, and movement, and seemed to blend the simplicity of nature with the highest culture of art. Indeed, his manner of delivery as to pronunciation, gesture, and modulation of voice was a perfect model of the most moving and striking oratory, while the sublimity and elegance, simplicity and perspicuity of his discourses, rendered his sermons not only models for

all who heard them, but for posterity as well, for whom, happily, many of them have been preserved. Whenever this august and venerable person ascended the sacred desk, he seized the attention and commanded all the various passions of his audience, and imparted to the discourse a solemnity which could never be forgotten. A true patriot, he employed his great gifts in cheering up his countrymen after the depressing defeat of Braddock in 1755, and the first volunteer company raised in Virginia, after that crushing disaster, was from his congregations, the result of a patriotic discourse delivered July 20, 1755. Before this company, commanded by Captain Overton, he preached August 17, 1755, and in appealing to the martial spirit of his hearers he made prophetic mention of the young officer who had saved the command of Braddock from annihilation. He said: "As a remarkable instance of this, I may point out to the public, that heroic youth, Colonel Washington, whom I cannot but hope Providence has hitherto preserved in so signal a manner for some important service to his country."<sup>1</sup>

An anecdote is related of him which shows his fearlessness as a preacher. It is said that while he was in London King George II., attracted by his reputation, attended one of his services. He was so pleased that he expressed himself to those sitting near him, to the great interruption of the service. Finally Mr. Davies fixed his eye upon him, and said, with great solemnity: "When the lion roareth, the beasts of the forests tremble; when the Lord speaketh, let the kings of the earth keep silence." The

<sup>1</sup> For some account of Mr. Davies and his work, see Foote's *Sketches of Virginia*.

King shrank back in his seat and remained quiet during the remainder of the discourse, and next day sent for Mr. Davies and gave him fifty guineas for the college, observing at the same time to his courtiers, "He is an honest man! an honest man!"<sup>1</sup>

It was under the influence of such a man that Patrick Henry came at the impressible age of twelve. One of the places at which Mr. Davies preached was known as "the Fork Church," and here Mrs. John Henry, who became a member of his church, attended regularly. She was in the habit of riding in a double gig, taking with her young Patrick, who, from the first, showed a high appreciation of the preacher. Returning from church she would make him give the text and a recapitulation of the discourse. She could have done her son no greater service. His sympathetic genius was not only aroused by the eloquence of the preacher, who, he ever declared, was "the greatest orator he ever heard," but he learned from him that robust system of theology which is known as Calvinism, and which has furnished to the world so many of her greatest characters—a system of which Froude writes: "It has been able to inspire and sustain the bravest efforts ever made by man to break the yoke of unjust authority, . . . has borne ever an inflexible front to illusion and mendacity, and has preferred rather to be ground to powder, like flint, than to bend before violence, or melt under enervating temptation."<sup>2</sup>

Although Mr. Whitefield visited Hanover during one of his American tours, it is probable that Pat-

<sup>1</sup> Howe's Virginia Historical Collections, 294.

<sup>2</sup> Address to the Students at St. Andrews, March 17, 1871.



rick Henry was too young to have appreciated him, and he had reached manhood before James Waddell, the eloquent blind preacher, entered the ministry.<sup>1</sup> His early example of eloquence, therefore, was Mr. Davies, and the effect of his teaching upon his after life may be plainly traced. Although he never withdrew from the Episcopal Church, in which he was baptized, he became the persistent advocate of religious liberty. Colonel Meredith says of him: "He was through life a warm friend of the Christian religion. He was an Episcopalian, but very friendly to all sects, particularly the Presbyterian. His father was an Episcopalian, his mother a Presbyterian."<sup>2</sup>

When about the age of fifteen Patrick Henry was placed by his father with a merchant of the county, in order that he might be trained for mercantile life. After a year's experience he and his brother William were set up in business in a country store, with a stock of goods purchased for them by their father. Patrick, though the younger, was equally interested, and was indeed the principal manager. The brothers were too indulgent in granting credit, and one year was enough to embarrass the business and cause its discontinuance. Upon Patrick devolved the care of winding up this short-lived firm, and while he was thus engaged, in the fall of 1754, before he was nineteen years of age, he was married to Sarah, a daughter of John Shelton, who lived in the part of the county known as the Fork. His wife was an estimable woman, of most excellent parentage, and brought him six ne-

<sup>1</sup> This was in 1761. Foote's *Sketches of Virginia*, 351.

<sup>2</sup> MS. Narrative sent to Mr. Wirt.

groes and a tract of poor land, containing three hundred acres, called Pine Slash, and adjoining her father's place.<sup>1</sup> His parents gave him some little property besides, and with this start in the world he attempted to support himself by agriculture. It is probable that most of the negroes given him were very young, as we find him forced to labor on his farm with his own hands.<sup>2</sup> In the year 1757 he lost, by an accidental fire, his dwelling-house and the greater part of his furniture. He thereupon sold some of his negroes to repair his loss and to buy a small stock of goods, with which, early in 1758, he opened a country store,<sup>3</sup> hoping with his farm and store to secure a support for his growing family.

His mercantile business was small, even for a country store, and was conducted by a clerk.<sup>4</sup> Unfortunately he did not profit by his previous experience in the matter of credit, as many of his accounts appear to have been uncollected. The business continued for about two years, and his cash sales only footed up £39 6s. 3d. This was doubtless due to the failure in the tobacco crop in 1759, upon which the planters were dependent for money. At the end of two years he found his capital gone and himself in debt, but not insolvent, as has been represented. His business had been too limited for that result, and we have his statement, late in life, that he was never sued for a debt of his own.

It was during this critical period of his life that we are permitted to see him as he appeared to

<sup>1</sup> Entry of Patrick Henry in his account book.

<sup>2</sup> MS. Letter of Judge Edmund Winston to Mr. Wirt.

<sup>3</sup> MS. Statement of Colonel Meredith sent to Mr. Wirt.

<sup>4</sup> This appears by the handwriting in the ledger in possession of the author.

Thomas Jefferson, who has left an account of their first meeting. One of Mr. Henry's nearest neighbors and warmest friends was Captain Nathaniel West Dandridge, formerly of the British navy, who was a great-grandson of Captain John West, brother of Thomas West, Lord Delaware, and who had married Dorothea, daughter of Governor Alexander Spotswood. He was a man of large means, and, as was the custom of the colony, very hospitable. It was at his house that Patrick Henry and Thomas Jefferson first met. The following is Mr. Jefferson's account of the meeting :

" My acquaintance with Mr. Henry commenced in the winter of 1759-1760. On my way to the College I passed the Christmas holidays at Colonel Dandridge's, in Hanover, to whom Mr. Henry was a near neighbor. During the festivity of the season I met him in society every day, and we became well acquainted, although I was much his junior, being then in my seventeenth year and he a married man. His manners had something of coarseness in them ; his passion was music, dancing, and pleasantry. He excelled in the last, and it attached everyone to him. You ask some account of his mind and information at this period, but you will recollect that we were almost continually engaged in the usual revelries of the season. The occasion, perhaps, as much as his idle disposition, prevented his engaging in any conversation which might give the measure either of his mind or information. Opportunity was not, indeed, wholly wanting, because Mr. John Campbell was there, who had married Mrs. Spotswood, the sister of Colonel Dandridge. He was a man of science and often introduced conversation on scientific subjects. Mr. Henry had, a little before, broken up his store—or,

rather, it had broken him up; but his misfortunes were not traced, either in his countenance or conduct.”<sup>1</sup>

This account was given to Mr. Wirt after Mr. Jefferson had become an old man, and a political opponent of Mr. Henry, and his statements concerning him must be taken with due allowance. Mr. Jefferson is certainly inaccurate in stating that “Mr. Henry had, a little before, broken up his store, or rather it had broken him up.” Mr. Henry’s ledger shows that the store was not closed before July, 1760, and the closing-out sale of the remnant of his goods was made to one firm, Crenshaw & Grant, September 19, 1760.

It was doubtless after he had become aware that the store and farm combined would not support his family, that Mr. Jefferson met him. His cheerfulness of mind was not the result of callousness as to his affairs, but of a cheerful and self-reliant spirit which no misfortune could benumb. Before he closed his mercantile venture he had determined to try the profession of the law, for which he was conscious of at least one qualification, a knowledge of human nature. This his habit of close observation and ample opportunities as a merchant had given him in a remarkable degree. While doubtless drawn to the profession by some fancy for its contests, he was not yet aware of the genius which it was to develop in him. Says Judge Edmund Winston, his first cousin and contemporary: “He may be considered to have been at this time a virtuous young man, unconscious of the powers of his own

mind, and in very narrow circumstances, making a last effort to supply the wants of his family."<sup>1</sup>

The necessity which drove him to this step proved an incalculable blessing, and when, late in life, he wrote the following to a young friend, who had been unfortunate in business, he crystallized into one of the gems of English literature his own experience. Said he: "Looking forward into life and to those prospects which seem to be commensurate with your talents, native and acquired, you may justly esteem those incidents fortunate which compel an exertion of mental power, maturity of which is rarely seen growing out of an uninterrupted tranquillity. Adversity toughens manhood, and the characteristic of the good or the great man, is not that he has been exempted from the evils of life, but that he has surmounted them."<sup>2</sup> Having determined to enter the profession, he borrowed a "Coke upon Littleton," and a "Digest of the Virginia Acts." These he read in a month or six weeks, by close application, and then, upon the advice of John Lewis, a prominent lawyer of the county, he rode to Williamsburg and appeared before the Board of Examiners as an applicant for license. Although his retentive memory enabled him to use what he had read, so circumscribed had been his course, that the examiners, before whom he appeared separately, were said to have been reluctant to sign his license. His experience with one of them, the accomplished John Randolph, afterward Attorney-General for the colony, was related by Mr. Henry subsequently to

<sup>1</sup> MS. Letter to Mr. Wirt.

<sup>2</sup> From "The Southern Literary Messenger," xix., 317. The letter is dated June 2, 1793.

his friend, Judge John Tyler. Mr. Randolph, according to Judge Tyler, was not at first pleased with his appearance in his plain country clothes, and was indisposed to examine him at all, but learning that he already had two signatures he reluctantly consented to ask him some questions.

Mr. Wirt, in giving Judge Tyler's account, says :

" A very short time was sufficient to satisfy him of the erroneous conclusion which he had drawn from the exterior of the candidate. With evident marks of increasing surprise (produced, no doubt, by the peculiar texture and strength of Mr. Henry's style, and the boldness and originality of his combinations,) he continued the examination for several hours; interrogating the candidate, not on the principles of municipal law, in which he no doubt soon discovered his deficiency, but on the laws of nature and of nations, on the policy of the feudal system, and on general history, which last he found to be his stronghold. During the very short portion of the examination which was devoted to the common law, Mr. Randolph dissented, or affected to dissent, from one of Mr. Henry's answers, and called upon him to assign the reasons for his opinions. This produced an argument; and Mr. Randolph now played off on him the same arts which he himself had so often practised on his customers, drawing him out by questions, endeavoring to puzzle him by subtleties, assailing him with declamation, and watching continually the defensive operations of his mind. After a considerable discussion, he said : ' You defend your opinions well, sir, but now to the law and to the testimony.' Hereupon he carried him to his office, and opening the authorities he said to him : ' Behold the force of natural reason; you have never seen these books, nor this principle of the law; yet you

are right and I am wrong; and from this lesson which you have given me (you must excuse me for saying it,) I will never trust to appearances again. Mr. Henry, if your industry be only half equal to your genius I augur that you will do well, and become an ornament and an honor to your profession.'"<sup>1</sup>

Mr. Jefferson has given two accounts of this examination, not entirely consistent with each other.<sup>2</sup> In one of them, that given to Mr. Wirt, after relating their meeting at Colonel Dandridge's in the winter of 1759-60, he says :

"The spring following he came to Williamsburg to obtain a license as a lawyer, and he called on me at college. He told me he had been reading law only six weeks. Two of the examiners, however, Peyton and John Randolph, men of great facility of temper, signed his license with as much reluctance as their dispositions would permit them to show. Mr. Wythe absolutely refused. Robert C. Nicholas refused also at first, but on repeated importunity and promises of future reading, he signed. These facts I had afterward from the gentlemen themselves, the two Randolphs acknowledging he was very ignorant of law, but that they perceived him to be a young man of genius and did not doubt he would soon qualify himself."<sup>3</sup>

In 1824, some ten years later, Mr. Jefferson said to Daniel Webster and the Ticknors at Monticello :

"There were four examiners, Wythe, Pendleton, Peyton Randolph, and John Randolph. Wythe and

<sup>1</sup> Wirt's Henry, 34.

<sup>2</sup> See these compared in Tyler's *Life of Patrick Henry*, 21.

<sup>3</sup> Memorandum for Mr. Wirt. "Historical Magazine," August, 1867, 90.

Pendleton at once rejected his application; the two Randolphs were, by his importunity, prevailed upon to sign the license; and having obtained their signatures, he again applied to Pendleton, and after much entreaty and many promises of future study, succeeded also in obtaining his. He then turned out for a practising lawyer."<sup>1</sup>

Doubtless the account given Mr. Wirt by Judge Tyler is the most correct of these. It is very certain that Mr. Henry was poorly prepared to stand an examination by the learned lawyers who constituted the board. But, however ignorant of his latent powers, it is clear that he was already recognized as a man of uncommon intellectual gifts.

<sup>1</sup> Curtis's Life of Webster, i., 584.





## CHAPTER II.

### PROFESSIONAL LIFE—1760-1764.

**Begins Practice of Law in Fall of 1760.—His Fee Books Preserved.**

—Large Practice from the Beginning of His Professional Life.

—The "Parsons' Cause."—Events Leading to It and Issues Involved in It.—Mr. Henry's Appearance in It.—First Exhibition of His Genius as an Orator.—Large Increase of His Practice.—His Appearance in Williamsburg in the Contested Election Case of *Dandridge vs. Littlepage*.—Purchase of a Farm in Louisa County.—Judge Lyons's Account of His Manner at the Bar.

As we have seen, Mr. Jefferson fixes the visit of Mr. Henry to Williamsburg, to obtain his license as a lawyer, in the Spring of 1760.<sup>1</sup> If this be correct, he very certainly continued his studies for some months after his return before commencing the practice. That all-important book to a young attorney, a volume of forms of declarations and pleas, was given him by Peter Fontaine, whose sister Mary Ann had married Isaac Winston, the uncle of Mr. Henry. In it, in the handwriting of Mr. Henry, are found these words: "Le don de Pierre de la Fontaine," and "Patrice Henry le Jeune, son livre. Avrille 18th, 1760."<sup>2</sup>

The appearance of his first fee book indicates that he did not commence practice till the fall of the

<sup>1</sup> Memorandum sent Mr. Wirt, printed in "The Philadelphia Age" and "Historical Magazine," August, 1867, 90, which last is quoted.

<sup>2</sup> The volume was given to the author by Mr. Bowyer Caldwell, of the White Sulphur Springs, W. Va.

George Gentry Shaw	7	
To Fee v Cameron		76
Thomasville Chesterfield - D		
To Fee v Collier - - -		76
To Fee v John Noy		15
To Fee v Charles Noy		15
To Fee v John Noy Son of John		15
To Tax on writs		39
To Fee v Davies		15
To Fee v Richardsons da. 16 cents		15
To Fee v Stephen Davenport		15
To Fee v William Davenport		76
To Fee v Patterson		76
To Tax on writs		26
To Fee v Wm. Chumney		15
To Fee v Ruchaby		15
To Fee v Ganet		15
To Fee v Th. Chumney		15
To Fee v Oringer		15
To Fee v G. Cardwell & Tax		16
		\$ 10. 40



year. This is in the same folio in which he kept the ledger of his mercantile business. The last entry touching this is dated September 19, 1760, and is a charge to Crenshaw & Grant of the remnant of his goods, amounting to £25 1s. 3½d. On the next leaf he commences the index to his fee accounts. His fees follow, and are charged by the year, but not by the month. His first clients were a firm of merchants, Coutts & Crosse, and during the year 1760 he entered the names of sixty clients, and charged one hundred and seventy-five fees, besides those charged on the first page, which has been lost from the book. Such a remarkable success for the first few months of his professional career demonstrates conclusively that he was personally popular, and was recognized as an industrious and capable lawyer from the beginning. The full practice upon which he at once entered was retained. Of the ninety-two pages of his fee books, extending through the year 1763, sixteen had been cut out and taken away by relic-hunters, or otherwise lost, before the book came into the possession of the author. But estimating that the fees charged on the missing pages average with those still preserved, it appears that from the fall of 1760 to the end of 1763, Mr. Henry charged fees in 1,185 suits, besides many fees for advice, and for preparing papers out of court. An examination of these entries of fees shows that Mr. Henry was transacting all the business of a country practice, his courts being the county courts of Hanover and the surrounding counties. The county courts, held by justices, were the only courts in the colony, except the General Court, consisting of the Governor and his Council,

sitting at Williamsburg. This country practice, which embraced every branch of the profession, was the best training which he could have had. It was impossible for him to have acquired or retained it, unless he had been attentive and faithful in his business, and industrious in his habits, for the great bulk of it was mere routine work, such as bringing plain actions of debt.

The fortunate preservation of Mr. Henry's fee books, covering the whole time of his service at the bar, corrects the false impression of him as a lawyer given to the world through Mr. Jefferson's communication to Mr. Wirt, in which he wrote :

"He turned his views to the law, for the acquisition or practice of which he was too lazy. . . . He never undertook to draw pleadings if he could avoid it, or to manage that part of the cause, and very unwillingly engaged but as an assistant to speak in the cause, and the fee was an indispensable preliminary, observing to the applicant that he kept no accounts, never putting them to paper, which was true." <sup>1</sup>

The neatly kept accounts, showing many fees for drawing papers, and appearing in cases in which, from their nature, he must have been the only counsel, and the moderate fees charged, as regulated by statute, prove that Mr. Henry was a very different business man and lawyer from the picture drawn by the pen of Mr. Jefferson in his old age. Indeed, these invaluable records of his professional life show that Mr. Henry's success as a lawyer was far

<sup>1</sup> Memorandum of Jefferson, "Historical Magazine," August, 1867, '93.

greater, from the first, than that of Mr. Jefferson as claimed by his ablest biographer.<sup>1</sup>

Such a practice, although the fees were moderate and not rigidly collected, soon enabled Mr. Henry to relieve himself from the debt he had incurred, and not only to support his family comfortably, but to help both his father and father-in-law, who were not prosperous men. Their accounts on his books show that this help was generously extended.

Mr. Shelton had moved to Hanover Court House, and opened a house of public entertainment. Mr. Henry, while attending court, stayed with him, and it is said sometimes assisted him in attending to the guests. This, no doubt, was the origin of the statement made by Mr. Jefferson to Mr. Wirt long afterward. He wrote: "He acted, as I have understood, as barkeeper in the tavern at Hanover Court House for some time."<sup>2</sup> This statement was indignantly denied by Colonel Meredith and others, who stated that nothing could have been more repugnant to Mr. Henry than such an occupation. The evidence on the subject has been examined in the original, by Mr. Wirt and Dr. Tyler, and both have expressed themselves satisfied that the statement repeated by Mr. Jefferson is not true.<sup>3</sup> Indeed, the business recorded on Mr. Henry's fee books would have prevented his occupying his time in any other way, than in attending to his profession.

The entries by Mr. Henry on his mercantile and fee books entirely disprove another misstatement about him, namely, that he was an illiterate man

<sup>1</sup> Randall's *Life of Jefferson*, I., 47.

<sup>2</sup> Memorandum, "*Historical Magazine*," August, 1867, 93.

<sup>3</sup> Wirt's Henry, 87, and Tyler's Henry, 24.

when he entered upon his profession. These entries are in a well-formed hand, and are faultless in spelling and punctuation. The same may be said of all of his private papers; and when the reader is introduced to his correspondence, he will find his composition not only correct, but exceedingly graceful. Mr. Jefferson told Daniel Webster that his "pronunciation was vulgar and vicious;"<sup>1</sup> and Governor John Page related that he once heard him say: "*Naiteral* parts is better than all the *larnin'* upon *yearth*."<sup>2</sup> This vicious pronunciation and bad grammar were evidently used to point some exhibition of humor, of which Mr. Henry was fond, as he was undoubtedly a good grammarian. What is called vulgar and vicious pronunciation by Mr. Jefferson, was doubtless the country mode of pronouncing certain words, which struck the ear of the polished Jefferson unpleasantly. These peculiarities of pronunciation were not confined to Mr. Henry however. We are told by Judge Roane that the accomplished Edmund Pendleton was in the habit of saying *scaicely* for scarcely, and the no less scholarly John Taylor, of Caroline, of saying *bare* for bar.<sup>3</sup>

There can be little doubt that in a practice of three years, such as Mr. Henry enjoyed, he made reputation as an advocate. Had he not done so, he would not have been employed in November, 1763, as a forlorn hope, in the celebrated "Parsons' Cause." This cause, which had such an important bearing upon his subsequent life, and upon the history of Virginia, deserves a careful notice.

The charter government of Virginia allowed her

<sup>1</sup> Curtis's Life of Webster, i., 585.

<sup>2</sup> Wirt's Henry, 53.

<sup>3</sup> MS. Communication to Mr. Wirt.

a House of Burgesses, elected by the people, which was first held in 1619. All acts of this body, to become laws, however, required the approval of the Governor and his Council, the Governor being the representative of the King. But an act approved by both the Burgesses and the Governor and Council might be disallowed by the King. This operated greatly to the inconvenience and injury of the colony, as it was impossible to meet sudden calamity and distress by legislation, which was dependent on **the will of a sovereign with whom it took months to communicate, whose information as to the needs of the colony was necessarily imperfect, and who often disallowed laws most beneficial to the people.** When an act had been once approved by the King, he required all subsequent acts making any alteration therein to be suspended in terms, until they should be approved by him.

One of the most difficult problems of colonial life was that of currency. The colony was not allowed the privilege of coining money, and its trade with the mother country did not bring in British gold. Tobacco was its great staple for export, but the absorption of its trade by Great Britain, and the discouragements to home manufactures, resulted in a usual balance of trade against the colony. Hugh Jones wrote in 1724: "The country is yearly supplied with vast quantities of goods from Great Britain. . . . The merchants, factors, or store-keepers in Virginia buy up the tobacco of the planters, either for goods or current Spanish money, or with sterling bills payable in Great Britain." <sup>1</sup>

The Spanish money was coin obtained from the

<sup>1</sup> Present State of Virginia, 53, 55.



adjacent Spanish possessions, and was in small quantity. From necessity the planters began to use tobacco as a medium of exchange, and to make their contracts payable therein. Various acts were passed to regulate this custom, which will be found consolidated in 1632,<sup>1</sup> by an act providing for five warehouses, in which all tobacco intended to be used as a medium of trade should be stored, and properly inspected, that found to be below the standard quality to be burned. Several subsequent revisions were made of the tobacco laws, and it came to pass that the certificates, or inspectors' notes, given at the legal warehouses, became the main currency of the colony, the value of tobacco being quite a steady quantity. In this currency not only private, but public dues were solvable. The expenses of government were estimated and taxes were levied payable in it.

As early as 1696, the salaries of the clergy of the Established Church had been fixed by statute at sixteen thousand pounds of tobacco, to be levied by the several vestries on their parishes.<sup>2</sup> This was besides their "lawful perquisites," consisting of the use of the glebes, and the monopoly of marriage and burial fees. In 1748 this law was revised and re-enacted, and this new act was approved by the King.<sup>3</sup> At this time, and afterward for some years, the value of the inspected tobacco was rated at sixteen shillings and eight pence per hundred pounds, at the highest. This appears by the act of 1752, providing compensation to the planters who had suffered by loss from the overflow of certain warehouses on

<sup>1</sup> Hening : Statutes at Large, i., 203.

<sup>2</sup> Id., iii., 152.

<sup>3</sup> Id., vi., 88.

tide water.<sup>1</sup> This was fifty per cent. advance upon the value of tobacco in 1696, when the salaries of the clergy were fixed at sixteen thousand pounds. In October, 1755, the House of Burgesses, finding that a great drought had cut short the crop of tobacco, so that it would be impossible for the people to pay their tobacco debts in kind, passed an act, to continue in force for ten months, making it lawful for debtors to pay their tobacco dues and taxes in money, at the rate of sixteen shillings and eight pence for every hundred pounds of tobacco.<sup>2</sup> This being at the rate of two pence per pound caused the act to be known as "the twopenny act." This act, the necessity of which was so obvious, was very generally acquiesced in by creditors.<sup>3</sup> As it was an effort to regulate a fluctuating currency by one acknowledged to be the standard, and only directed the value to be placed on that which had fluctuated which was in the minds of the parties to the contracts involved, and of the legislature when the public taxes were laid, it must be admitted to have been right and proper. The same principle was applied in settling debts in the United States, in France, and in the late Confederate States, upon the failure of their revolutionary currencies. Debtors were allowed to pay their debts contracted with reference to the collapsed paper money as a standard of value, in the equivalent value in specie.

As was anticipated, tobacco rose in value, but the price was not greatly increased.<sup>4</sup> Some of the clergy were unwilling to forego the advantage of collecting their salaries in kind, and addressed a commu-

<sup>1</sup> Hening: *Statutes at Large*, vi., 287.

<sup>2</sup> Campbell's *History of Virginia*, 507.

<sup>3</sup> *Id.*, vi., 368.

<sup>4</sup> Perry's *Collections*, 508.

nication to their Diocesan, the Bishop of London, praying that he would exert his influence to have the act annulled by the King.<sup>1</sup> Among the petitioners was the Rev. Patrick Henry. Others of the clergy determined to make no opposition to the act, declaring that they thought it right that they should share in the misfortunes of the community. Among these was the Rev. James Maury, of Louisa.<sup>2</sup> To this conclusion came the convention of the clergy afterward held.<sup>3</sup>

On September 14, 1758, upon the meeting of the Assembly, it was apparent that the unseasonable weather of the summer would again produce a short crop of tobacco. An act similar to that of 1755 was thereupon passed, to continue in force for one year. Neither of these acts had the usual clause suspending its operation until the royal sanction was obtained. The crop fell short and the price rose correspondingly. Although the law was universal in its effects, the clergy were the only class that determined to resist its operation. The Rev. John Camm assailed the action of the Assembly in "The Virginia Gazette," and was replied to by Colonel Richard Bland and Colonel Landon Carter, two of the most prominent men in the colony. The contest was acrimonious, and the cause of the clergy became so unpopular, that Mr. Camm was forced to go to Maryland to find a printer for his rejoinder, styled, "The Colonels Dismounted." A convention of the clergy was held, and they determined to appeal to the King. Mr. Camm was sent to England with a petition for the veto of the act.

<sup>1</sup> Perry's Collections, 440.

<sup>2</sup> Memoirs of a Huguenot Family, 402.

<sup>3</sup> Perry's Collections, 508.

He obtained an order of Council to this effect, dated August 10, 1759, and was told by the Lords of Trade and the Privy Council that this would render the act void, *ab initio*. He thereupon returned to Virginia, and brought a suit in the General Court to test the validity of the law, determined to appeal to the King in Council if defeated in the Virginia Court. The Assembly met afterward and voted to bear the expenses of appeal in all cases brought by the clergy. Thus the Assembly and the clergy were in declared antagonism. The clergy contended that their salaries must be considered as due by contracts which fixed them at sixteen thousand pounds of tobacco per annum; that as they had received this quantity when tobacco was low because of large crops, so they were entitled to it when it was high because of a small crop; that while it was true that the Governor had approved of the act, he had done so in violation of his general instructions, and it required the King's express consent to give it force, as it affected a previous law which he had approved; and that once disapproved it was shown to have been void, *ab initio*.

Those who defended the Assembly urged, that the small crop had made it impossible for debtors to meet their tobacco dues, rendered unusually large by the burden of taxation caused by the French War; that the act was general, and relieved all debtors who owed tobacco; that it operated not to reduce the quantity, but to fix the fair value of the staple contracted for; that of all classes the clergy should be the first to sympathize with the distress of the people, but now they were found to

be the only creditors who wished to oppress them ; and that the act, having received the approval of the royal Governor, was of force till it was disallowed by the King himself, when it had, in fact, expired by its terms.<sup>1</sup> It will be seen that, stripped of the moral questions, the controversy was reduced to the sole question of the force of an act between its date and the disapproval of the King.

Some of the clergy were unwilling that their rights should be settled by the suit instituted by Mr. Camm, and they brought separate actions in the county courts, with varied results. In the suit of Rev. Thomas Warrington, of York County, the jury gave damages against the parish collector, but the court held the act to be valid and refused to enter up judgment for the plaintiff. In the case of Rev. Alexander White, of King William, all the questions were left to the jury, and they found for the defendant. In both of these cases appeals were taken to the General Court.<sup>2</sup> None of the suits brought excited such interest as that instituted by Rev. James Maury, of the parish of Fredericksville, in Louisa County. He was a man of high character, and had refused to oppose the previous act. On April 1, 1762, he brought suit in the County Court of Hanover, in the name of the vestry of his parish, against Thomas Johnson and Tarlton Brown, collectors of the parish levies, and the sureties on their official bond. Peter Lyons, the leading lawyer in that part of the colony, and afterward the distinguished president of the Virginia Court of Appeals,

<sup>1</sup> Quite a full discussion of the act will be found in Campbell's *History of Virginia*, chap. lrv.

<sup>2</sup> See Perry's *Collections* for these suits.

was his counsel. John Lewis, also able counsel, appeared for the defendants, and relied on the Act of September 14, 1758, with which they had strictly complied. To this plea the plaintiff demurred as insufficient, and thus raised the question of the validity of the act. The demurrer was argued on November 5, 1763, and was sustained by the court, which thus declared the act to have been null and void. Considering the popular feeling, this action of the court, presided over by Colonel John Henry, is highly creditable to its integrity and firmness. These qualities, indeed, were characteristic of the Virginia magistrates, and when we remember that they were selected for their intelligence and standing in the community, and held office by a life tenure, we can understand what an important part they played in the history of the colony.

The decision upon the demurrer left nothing to be done in Mr. Maury's case but the ascertainment by a jury of the damages, which consisted of the difference between the money actually paid him and the value of the tobacco to which he was entitled. The litigation had thus assumed the most favorable aspect for the clergy, who looked upon it now as a test case in which the jury would be forced to give the full amount of the damages claimed. Mr. Lewis considered the cause of his clients lost, and in this extremity Patrick Henry was employed for the defence.

The jury trial was fixed for the December term of the court, commencing on the first day of the month, and excited a widespread interest. Notwithstanding the inclement season of the year a large crowd attended. Early in the morning the

sturdy planters, in their home-spun and home-made clothes, might be seen approaching the court-house on horseback. Interspersed with them were the Scotch merchants and richer citizens, dressed in cloth of finer texture. These mingled freely in the court-yard, while grouped by themselves might be seen the ministers, who had collected from the neighboring parishes to the number of twenty. Among these was the Rev. Alexander White, whose defeat before a jury of his own county had only served to intensify his interest in the struggle of the clergy. The ordinary topics of the court-yard were laid aside, and instead of the usual inquiries as to the condition of the tobacco crop in the barns, and the prices to be expected for it; the arrivals of vessels from abroad, and the prices of goods expected by them; the absorbing subject of conversation was the controversy with the clergy.

During the morning the carriage of the venerable clergyman of the county, the Rev. Patrick Henry, was seen approaching the court-house. No sooner was it recognized by his nephew, than he walked to meet him, accompanied by his brother-in-law, Colonel Samuel Meredith. When the aged minister alighted Mr. Henry accosted him most respectfully, and requested him not to appear in the court-house on that day. "Why?" asked the old gentleman. "Because," replied his nephew, "I am engaged in opposition to the clergy, and your appearance there might strike me with such awe as to prevent me from doing justice to my clients." "Rather than that effect should be produced, Patrick," said his uncle, "I will not only absent myself from the court-

house, but will return home." And, accordingly, entering his carriage again, he rode away.<sup>1</sup>

On the opening of the court Colonel John Henry occupied his seat as presiding justice, while to his right and left sat the other justices. Next to these, on the same long bench, the clergy found seats, except Mr. Maury, who sat in the bar with his counsel. The case of Maury against Johnson and others was soon called, and upon the announcement of counsel that they were ready for trial, the sheriff was ordered to summon a select jury. He went out, and in due time returned with a list which did not suit the plaintiff, as he only knew one or two of them, and none belonged to the class known as *gentlemen*. He thereupon objected to the panel, but as he had not the right of peremptory challenge, and could not show good cause for his objection, and as Patrick Henry insisted that they were honest men, and therefore unexceptionable, they were sworn as jurymen. Their names were Benjamin Anderson, John Wingfield, George Dabney, John Thornton, Samuel Morris, Brewster Sims, William Claybrook, Stephen Willis, Jacob Hundly, Roger Shackelford, John Blackwell, and Benjamin Oliver.<sup>2</sup> Three of them certainly were Dissenters, George Dabney, Samuel Morris, and Roger Shackelford, and the two last had been prosecuted in 1745 for allowing Rev. John Roane to preach at their houses.<sup>3</sup> The plaintiff's counsel introduced as testimony the bond of the defendants as collectors; the order of the vestry directing a levy to be made for the salary of Mr.

<sup>1</sup> MS. Memorandum of Colonel Samuel Meredith made for Mr. Wirt.

<sup>2</sup> Taken from the record of the case.

<sup>3</sup> Foote's Sketches of Virginia, 142, 161.



Maury in 1759 ; and two witnesses, Mr. Gist and Mr. McDowell, the largest dealers in tobacco in the county, by whom it was proved that the price of tobacco in the county in 1759 was fifty shillings per hundred pounds. Mr. Lyons here rested the evidence for the plaintiffs. The counsel for the defence then introduced the receipt of Mr. Maury for £144, the value of the tobacco due him as commuted by the act of Assembly, and rested their evidence. Mr. Lyons then arose and commenced his argument for the plaintiff. He explained to the jury the issue they had been sworn to try, and how it had been narrowed down, by the decision of the court on the law, to a simple calculation of the difference between the £144 actually paid, and the value of sixteen thousand pounds of tobacco at fifty shillings per hundred. He was not content to rest his case, however, on the bare application of the law to the facts proved, but, recognizing the existence of popular feeling against the clergy, he attempted to disarm it by a highly wrought eulogium upon their benevolence.

Mr. Henry had studied profoundly his case. To him it was not a mere matter of dollars and cents, but involved the dearest rights of the people as he had learned them from the pages of English history. While he brooded over this thought he felt the quickening of a hitherto unknown genius, which, under the powerful stimulus of his first great cause, was to burst forth into full flower. The man and the occasion had met, and both were to be ever afterward famous.

He rose to reply to Mr. Lyons with apparent embarrassment and some awkwardness, and began a faltering exordium. The people hung their heads at the unpromising commencement, and the clergy

were observed to exchange sly looks with each other, while his father sank back in his chair in evident confusion. All this was of short duration however. As he proceeded and warmed up with his subject, a wondrous change came over him. His attitude became erect and lofty, his face lighted up with genius, and his eyes seemed to flash fire; his gesture became graceful and impressive, his voice and his emphasis peculiarly charming. His appeals to the passions were overpowering. In the language of those who heard him, "he made their blood to run cold, and their hair to rise on end." In a word, to the astonishment of all, he suddenly burst upon them as an orator of the highest order. The surprise of the people was only equalled by their delight, and so overcome was his father that tears flowed profusely down his cheeks.

The line of argument taken in this celebrated speech has been preserved by the plaintiff, in a letter written a few days afterward to the Rev. John Camm,<sup>1</sup> and by Captain Thomas Trevilian, one of the audience, who related for years afterward one of the passages.<sup>2</sup> From these sources the following outline of the speech is taken.

Mr. Henry commenced by stating his view of the issues involved in the case. He then entered upon a discussion of the mutual relations and reciprocal duties of the king and his subjects. He maintained that government was a conditional compact, composed of mutual and dependent covenants, the king stipulating protection on the one hand, and the people stipulating obedience and support on the other.

<sup>1</sup> Memoirs of a Huguenot Family, 418.

<sup>2</sup> MS. Letter of N. Pope to Mr. Wirt.

He declared that a violation of these covenants by either party discharged the other from obligation. He claimed that in the colonial government the Burgesses represented the House of Commons, the Council the House of Lords, and the Governor the King, and that a law approved by these should be deemed valid until it was disallowed. He then took up the act of 1758, and discussed its provisions, and the necessities of the people which caused its enactment. He contended that it had every characteristic of a good law, that it was a law of general utility, and could not be annulled consistently with the compact between the King and people; that the disallowance by the King of this salutary act was an instance of misrule, and neglect of the interests of the colony, which made it necessary that they should provide for their own safety by adhering to the directions of the act; and that by this conduct the King, from being the father of his people, had degenerated into a tyrant, and forfeited all right to his subjects' obedience to his order regarding it. At this point Mr. Lyons cried out with warmth, "The gentleman has spoken treason, and I am astonished that your Worships can hear it without emotion, or any mark of dissatisfaction." At the same instant among some gentlemen behind the bar there was a confused murmur of "Treason! Treason!" Mr. Henry paid no attention to the interruption, but continued in the same strain, without receiving any sign of disapprobation from the bench, which sat spell-bound by his eloquence, while some of the jury nodded their approbation. Passing from this topic, the speaker next discussed the relations of the clergy to the people. He con-

tended that the only use of an established church and clergy in society is to enforce obedience to civil sanctions, and the observance of those which are called duties of imperfect obligation; that when a clergy cease to answer these ends, the community have no further need of their ministry, and may justly strip them of their appointments; that the clergy of Virginia, in this particular instance of their refusing to acquiesce in the law in question, so far from answering, had most notoriously counteracted those great ends of their institution; that therefore, instead of useful members of the State, they ought to be considered as enemies of the community; and that

in the case now before them, Mr. Maury, instead of countenance and protection and damages, very justly deserved to be punished with signal severity. While discussing this part of his subject, he said, as Captain Trevilian relates, "We have heard a great deal about the benevolence and holy zeal of our reverend clergy, but how is this manifested? Do they manifest their zeal in the cause of religion and humanity by practising the mild and benevolent precepts of the Gospel of Jesus? Do they feed the hungry and clothe the naked? Oh, no, gentlemen! Instead of feeding the hungry and clothing the naked, these rapacious harpies would, were their powers equal to their will, snatch from the hearth of their honest parishioner his last hoe-cake, from the widow and her orphan children their last milch cow! the last bed, nay, the last blanket from the lying-in woman!"

These words, uttered with all the power of the orator, aroused in the audience an intense feeling against the clergy, which became so apparent as to cause the reverend gentlemen to leave their seats

on the bench, and to quit the court-house in dismay.<sup>1</sup>

The speaker, continuing, described the bondage of a people who were denied the privilege of enacting their own laws, and told the jury that, unless they were disposed to rivet the chains of bondage on their necks, he hoped they would not let slip the opportunity, which was now offered, of making such an example of the plaintiff, as might hereafter be a warning to himself and to his brethren not to dispute the validity of such laws, authenticated by the only authority which in his conception could give force to laws for the government of the colony, the authority of a House of Burgesses, of a Council, and of a kind, benevolent, and patriotic Governor. He added that, under the ruling of the court, they must find for the plaintiff, but they need not find more than one farthing, and that this would accomplish all that the defence desired.

When he had concluded, after speaking about an hour, his associate declined to add anything to the defence, and Mr. Lyons closed the case for the plaintiff, vainly endeavoring to break the force of Mr. Henry's speech. When he sat down the jury retired to consult, and in less than five minutes returned with a verdict of one penny damages for the plaintiff. Mr. Lyons objected to receiving the verdict, insisting that it was contrary to the evidence, and asked that the jury be sent out again. This motion the court promptly overruled, and ordered the verdict to be recorded. He then moved for a new trial, which was also refused; and, lastly, he prayed for an appeal to the General Court, which was granted.

<sup>1</sup> Wirt's Henry, 45.

The feelings of the excited people, which with difficulty had been restrained, now overleaped all bounds, and, wild with delight, they seized their champion and bore him on their shoulders in triumph around the court-yard. He had not only proved himself to be an orator of the highest order, mastering the emotions and judgment of his audience, but he had openly and powerfully attacked the tyranny in Church and State, which all felt and yet no one had been bold enough to denounce. It is said that the people who heard this famous speech never tired of talking of it, and they could pay no higher compliment to a speaker afterward than to say of him, "He is almost equal to Patrick Henry when he plead against the parsons."<sup>1</sup>

Colonel John Henry's feelings were modestly expressed a few days afterward to Judge Edmund Winston in these words: "Patrick spoke near an hour, without hesitation or embarrassment, and in a manner that surprised me, and showed himself well informed on a subject of which I did not know he had any knowledge."<sup>2</sup>

In the hour of his triumph Mr. Henry, with a generosity characteristic of him, sought Mr. Maury, smarting under his defeat and the attack upon his class, in order that he might disclaim any personal ill-will toward him or them. Mr. Maury, in his letter to Mr. Camm, gives an account of this interview and of the impression the day's occurrences made upon him. He wrote:

"After the court was adjourned, he apologized to me for what he had said, alleging that his sole

<sup>1</sup> Wirt's Henry, 46.

<sup>2</sup> MS. Letter of Judge Winston to Mr. Wirt.

view in engaging in the cause, and in saying what he had, was to render himself popular. You see, then, it is so clear a point in this person's opinion that the ready road to popularity here is to trample under foot the interests of religion, the rights of the Church, and the prerogative of the Crown. If this be not pleading for the 'assumption of a power to bind the King's hands,' if it be not asserting 'such supremacy in provincial legislation' as is inconsistent with the dignity of the Church of England, and manifestly tends to draw the people of these plantations from their allegiance to the King, tell me, my dear sir, what is so, if you can. Mr. Cootes, merchant on James River, after court, said 'he would have given a considerable sum out of his own pocket, rather than his friend Patrick should have been guilty of a crime but little, if anything, inferior to that which brought Simon, Lord Lovatt, to the block;' and justly observed that he exceeded the most seditious and inflammatory harangues of the tribunes of old Rome."<sup>1</sup>

Mr. Cootes (or Coutts), who thus at once indicated his affection for the King and the treasonable advocate, had been Mr. Henry's first client. He fairly represented the high Toryism which was characteristic of the Scotch merchants who lived in Virginia.

The clergy were greatly irritated, and more than hinted that Mr. Henry, whom they styled "an obscure attorney," should be prosecuted for treason, and, it is said, furnished the Crown officers of the colony with a list of names as witnesses. No prosecution, however, was attempted. Trusting to the appellate courts, the clergy continued the struggle.

<sup>1</sup> *Memoirs of a Huguenot Family*, 423.

In 1764 the Rev. Patrick Henry, through Mr. Lyons, his attorney, instituted a suit in Hanover against Henry Thompkins, late collector of St. Paul's parish, for the tobacco due him for the year 1759. This suit was defended by his nephew as attorney for the defendant, and was allowed to be continued till the result of Mr. Camm's suit was known, and was then dismissed.

During the same year the case of the Rev. Mr. Camm was tried before the Governor and his Council, sitting as a general court, Robert Carter Nicholas appearing for the defence, and was decided against the plaintiff, on the ground that the act was in force till disallowed by the King. The majority thus voting were John Blair, John Taylor, William Byrd, Presley Thornton, and Robert Burwell. The minority, who voted to give damages, were Richard Corbin, Peter Randolph, Philip Ludwell Lee, and Robert Carter. There were two members, Thomas and William Nelson, who excused themselves from voting, being parishioners of Mr. Camm. They would have changed the decision. Governor Fauquier, was not required to vote, as there was no tie, but he nevertheless declared his belief that the act was binding.

Mr. Camm appealed to the Privy Council in England, and pending his appeal the court refused to hear any other similar case. The appeal was heard in 1767, and the decision of the General Court was affirmed, on the ground, it is said, that Mr. Camm's suit was improperly brought, and without going into the merits. This was believed to be, and doubtless was, but a pretext to get rid of a troublesome question, for the discussion of which



the times were not then suited. Thus the clergy saw the men who had advised Mr. Camm to bring his suit in 1760, vote to dismiss it in 1767, for political reasons.

This decision settled the litigation of the clergy in Virginia, and they found that, instead of gaining their salaries, they had greatly weakened their hold upon the public, and had given a fresh impulse to the spirit of dissent, already grown strong in the colony. Not only so, but the struggle greatly strained the bond between the King and the colonists, and was the prelude to the great contest which snapped that bond asunder, the keynote to which Mr. Henry had boldly struck.

The argument of the "Parsons' Cause" increased Mr. Henry's practice greatly. During the first year afterwards his fee book shows that he entered the names of 164 new clients, and charged 555 fees. In that year he was called to Williamsburg to represent his friend Captain Nathaniel West Dandridge, before the Committee on Privileges and Elections of the Assembly, in a contest with James Littlepage, the returned member. It is doubtful whether he had ever visited Williamsburg before. If he had done so, it was in no way to attract attention, and he was personally known to but few of the persons he now met. The session of the Assembly, and the vice-regal state in which the Governor lived, caused the town to be filled with an elegant society, which strikingly contrasted with the plain society in which he lived. He is said to have appeared in country garb, and wherever he went attracted the attention of the curious. Judge Tyler has given the following account of his appearance before the committee :

"The proud airs of aristocracy, added to the dignified forms of that truly august body, were enough to have deterred any man possessing less firmness and independence of spirit than Mr. Henry. He was ushered with great state and ceremony into the room of the committee, whose chairman was Colonel Bland. Mr. Henry was dressed in very coarse apparel; no one knew anything of him, and scarcely was he treated with decent respect by anyone except the chairman, who could not do so much violence to his feelings and principles as to depart, on any occasion, from the delicacy of the gentleman. But the general contempt was soon changed into a general admiration, for Mr. Henry distinguished himself by a copious and brilliant display on the great subject of the rights of suffrage, superior to anything that had been heard before within those walls. Such a burst of eloquence from a man so very plain and ordinary in appearance struck the committee with amazement, so that a deep and perfect silence took place during the speech, and not a sound, but from his lips, was to be heard in the room."<sup>1</sup>

Judge Winston says :<sup>2</sup>

"Some time after, a member of the House, speaking to me of this occurrence, said he had for a day or two observed an ill-dressed young man sauntering in the lobby, that he seemed to be a stranger to everybody, and he had not the curiosity to inquire his name, but that attending when the case of a contested election came on, he was surprised to find this same person counsel for one of the parties, and still more so, when he delivered an argument superior to anything he ever heard."

<sup>1</sup> Wirt's Henry, 58.

<sup>2</sup> Id., 59.

The report of the evidence in the case is spread upon the journal, and shows that an effort had been made to get Mr. Henry to offer himself for the vacant seat, and that so great was his popularity in the county, that the other candidate would have probably retired in his favor. But he was not yet ready to engage in public life. He was trying to attain independence by the practice of his profession. At this period of his life he had not overcome his passion for hunting. He is represented as often appearing at his courts in his hunting garb, fresh from the chase, but always ready when his cases were called, and if they allowed any scope for the advocate, invariably enchanting court and jury by his wonderful eloquence. Ever after the "Parsons' Cause," his manner of speaking was irresistibly captivating, even when the subject seemed trivial. One who was often his adversary, Judge Peter Lyons, says of him :

"I could write a letter or draw a declaration or plea at the bar with as much accuracy as I could in my office, under all circumstances, *except when Patrick rose to speak*; but whenever he rose, although it might be on so trifling a subject as a summons and petition for twenty shillings, I was obliged to lay down my pen, and could not write another word until the speech was finished."<sup>1</sup>

It is easy to understand that Mr. Henry's reputation went abroad after the "Parsons' Cause," and that he was considered the most eloquent advocate in the colony.

<sup>1</sup> Wirt's Henry, 56.

## CHAPTER III.

### POLITICAL TROUBLES WITH ENGLAND—1764-1765.

**Cause of Troubles between England and the American Colonies.—**  
**Charter Rights.—Local Governments.—Virginia Early Claims**  
**the Sole Right to Tax Herself.—Commercial Restrictions.—**  
**Colonial Government in England.—Laws of Trade.—Power of**  
**Parliament.—Effort at Union in 1754.—Defeat of Plans.—James**  
**Otis and Writs of Search.—War between England and France.—**  
**Peace of Paris in 1763, and Immense Territory Secured to Eng-**  
**land in America.—Joy in America.—Taxation of America Pro-**  
**posed in Parliament.—Parties Created by it.—Protests against**  
**It.—The Stamp Act.—Its Reception in America.—Submission**  
**Expected and Prepared for in the Colonies.—What would have**  
**been its Effect.**

WHILE Mr. Henry was winning his high position at the bar, the political troubles between England and her American colonies were assuming a serious aspect. Those troubles were the result of a series of mistakes on the part of the mother country on the one side, and of the independent, restless spirit which pervaded the colonies on the other. That spirit was the outgrowth of the principles of liberty brought over by men fleeing from oppression, and nourished in communities of pioneers, whose constant exposure to danger rendered them self-reliant and brave, who hated arbitrary power, and rejoiced in the liberty of thought and action which was characteristic of the Western World.

The charter granted by King James on April 10, 1606, to the London Company which planted the

first permanent English colonies in America, contained the following provision :

“Also we do, for us, our heirs, and successors, declare, by these presents, that all and every the persons, being our subjects, which shall dwell and inhabit within every or any of the said colonies and plantations, and every of their children, which shall happen to be born within any of the limits and precincts of the said several colonies and plantations, shall have and enjoy all liberties, franchises, and immunities, within any of our other dominions, to all intents and purposes as if they had been abiding and born within this our realm of England, or any other of our said dominions.”

Similar provisions are found in all subsequent charters. With this distinct pledge that they were to enjoy all the “liberties, franchises, and immunities” of Englishmen, the several English American colonies were settled by men who left their homes in the Old World, and risked their lives in subduing the forests and the savages of the New. Had their charters not contained such a provision, however, still Englishmen acknowledging allegiance to Great Britain would have been entitled, wherever resident, to all the “liberties, franchises, and immunities” of British subjects; and men of other nationalities becoming citizens of British colonies and subjects of the British Crown, would equally have become entitled to the rights of native-born Englishmen.

The several colonies, separated by an ocean from the mother country, instinctively organized local governments, Virginia leading the way, and in doing

so carried free institutions much beyond what the colonists had enjoyed in the Old World. They claimed and enjoyed trial by jury and the writ of habeas corpus, the great guardians of person and property. But in addition, each colony enacted laws for itself in its own General Assembly, and the elective franchise was far more liberal than in England, even at this day. The Governor was ordinarily appointed by the King, and was regarded as his representative, the Council was appointed, or nominated, by the Governor, and was the representative of the House of Lords, while the House of Burgesses, elected by the people, represented the House of Commons.

In June, 1619, Governor Yeardley convened the first Virginia Assembly, which was the first representative body that ever sat in America. As early as 1624, ten years before any other colony had an assembly, this body declared, that "The Governor shall not lay any taxes or ympositions upon the colony, their lands or comodities, otherway than by the authority of the General Assembly, to be levyed and ymployed as the said Assembly shall appoynt."<sup>1</sup> Thus the Virginians from the first claimed the protection of the great principle which has proved the bulwark of British liberty,<sup>2</sup> and for which so much blood has been shed. This claim was reasserted from time to time by Virginia, and the other colonies followed her example.

Until Cromwell ruled in England the trade of the colonies was open to all the world. But that great ruler, finding that the Dutch were monopolizing the

<sup>1</sup> Hening : Statutes at Large, i., 124.

<sup>2</sup> De Lolme on the Constitution of England, ch. xx.

carrying trade of the world, to the great injury of British shipping, caused an act to be passed in 1651, requiring that the commerce of England with all the world should be conducted in ships solely owned, and principally manned, by Englishmen. This act was not seriously objected to, and not rigidly enforced, in the colonies. But the same parliament that restored Charles II. passed another navigation act, by which, not content with protecting English shipping, it was sought to give a complete monopoly to the English merchants of the commerce of the colonies, now become exceedingly valuable. By this act, and its amendment in 1663, all the colonial trade, both import and export, was required to be in English bottoms and with Englishmen. It was only when there was no sale for them in England, that articles raised in America could be carried to some other country. By another amendment the liberty of free traffic between the colonies was taken away, and a duty imposed on intercolonial trade equal to that required on exports to England.

For more than a century this harsh and irritating policy was pursued, every amendment having for its object, the more thorough establishment of the monopoly of the commerce of the colonies in the hands of British merchants. That the colonists were justified in considering these navigation acts oppressive, we have the judgment of the great expounder of political economy, Adam Smith, who in his "Wealth of Nations" pronounced them, "a manifest violation of the rights of mankind;" and of the most profound statesman of his day, Edmund Burke, who said of them in his speech on American taxation, that he thought the system, "if uncompen-

ated, to be a condition of as rigorous servitude as men can be subject to."

The enactment of these laws was without excuse, except to gratify the avarice of British merchants. The revenue derived by the state was trifling, while the profits to the English traders were enormous. But neither the English Government nor the English merchants had any just right to profit at the expense of the colonies. They had been planted by private enterprise and at no cost to the Government, and the company, which at the greatest expense had made the first plantations, had been deprived of their charter by the King when their venture had begun to be profitable. Nor was the claim of protection by the mother country, as compensation for the monopoly, a good one. The only expense that was incurred in protecting the colonies was in wars which had been begun in Europe and transferred to America. The connection of the colonies with England caused their peril in these, and they were not justly chargeable by England with the cost of wars, which would not have afflicted them had they not belonged to her.

The only compensation which Burke could see for the hardships of the navigation acts, was in the fact that English capital was used in fostering the industries of the colonies; but there can be no doubt that had they been left free to sell where they could sell highest, and buy where they could buy lowest, they would not only have accumulated capital more rapidly, but they would have interested the capital of all nations in their industries.

Such obnoxious laws were liable to evasion, but so law-abiding were the colonies, that these evasions were not believed by Burke to be more frequent



than occurred on the coasts of England, in reference to the laws of trade with other nations. They were met by more stringent enactments, among which was the grant of general writs to the officers of customs, by which they were authorized to search when and where they pleased. These writs were considered injurious to the rights of the colonists, and their issue by the court of Massachusetts was resisted by James Otis, in February, 1761, in a speech of great eloquence and power, in which he argued that the law was opposed to the British Constitution, and that "an act of Parliament against the Constitution is void." This bold declaration was treasured by the people, and inflamed their spirit of resentment against the oppressive law. But the subservient court issued the writs, and they were submitted to by the Colony.

Among the imports were African slaves in large numbers. This wicked traffic was the subject of protest by the colonies, time and again, and by none more strenuously than by Virginia, which went so far as to pass an act prohibiting it. But from the days of "Good Queen Anne," a large share of the enormous profits made by the traders went into the coffers of the British sovereigns, and the laws interfering with the traffic were disapproved and annulled by them.<sup>1</sup>

In spite of all restrictions, the trade of the colonies increased with their population, making England rich, and laying the foundation of her commercial and maritime greatness. Grievous as these restrictions were, the right of Parliament to lay

<sup>1</sup> See Tyler's *Life of Chief Justice Taney*, Appendix, for a statement of this interest of the British sovereigns in the slave trade.

them was not denied by the colonies, which drew a distinction between external and internal taxation.<sup>1</sup>

The assent of the King, either in person or through the Governors acting under his instructions, was necessary to give validity to the laws enacted by the colonial Assemblies, and his dissent was sufficient to render the acts null and void. His assent was often long delayed, and sometimes when given the acts had become useless, because the occasion of their enactment had passed by. Frequently the acts most needed were disallowed.

The manner in which colonial affairs were considered conduced to this criminal mismanagement. All matters touching the colonies were first considered by the Board of Commissioners for Trade and Plantations, who gave information and advice concerning them to the Secretary of State having them in charge. This Board, called the "Lords of Trade," had no power to enforce their recommendations, no voice in the Cabinet, and no access to the King. Its very feebleness made it impatient of contradiction, and being constantly at variance with the Assemblies, it was disposed to suggest the harshest measures. At more than one period, the Lords of Trade proposed to take away the liberal charters under which the colonies were planted, and reduce them to subjection by destroying the independence of their Assemblies. In the reign of James II., whose tyranny cost him his throne, this scheme was carried into effect in New England, but the revolution of 1688, which seated William and Mary, restored to the colonies their lost liberties.

<sup>1</sup> Burke's *History of Virginia*, iii., 288-4.

By this great revolution, so memorable in the history of England, the power of Parliament was firmly established, and as a consequence that body has since become the ruler of the nation, and the sovereign simply the executive of its will. The dangers which the colonies thereafter experienced, were no longer from encroachments on their rights by the throne, but by Parliament.

The French extended their forts from Canada to the mouth of the Mississippi, claiming the rich valleys of the Ohio and Mississippi, and the country to the west, and exciting the Indians to hostilities with the English. So detrimental had their conduct become, that the Lords of Trade, in 1754, advised a meeting of commissioners from the several colonies for the purpose of strengthening their treaties with the Indians, and devising a plan of union for the defence of all the colonies, and for the extension of their settlements. This convention, representing seven colonies, met at Albany, June 19, 1754, and recommended a plan of union, drawn up by Benjamin Franklin, one of the delegates from Pennsylvania, which contained the germinal ideas of the American Union. It provided for a general government, to be administered by an executive appointed and supported by the Crown, and a Grand Council, to be composed of members chosen by the colonial Assemblies, with power to make laws and lay and levy general duties, imposts, and taxes. The plan was not approved by the colonies, because it contained too much of prerogative, nor by the Lords of Trade, who deemed it too democratic. Another plan was sent from England for adoption, whereby the Governors of all the colonies, attended by one or two members of

their respective Councils, were to assemble and concert measures for the defence of the whole, erect forts where they judged proper, and raise what troops they thought necessary, with power to draw on the Treasury for the sums that should be wanted, the Treasury to be reimbursed by a tax laid on the colonies by Act of Parliament.

This plan was communicated to Franklin by Governor Shirley, of Massachusetts, with the request that he give his views upon its provisions. The letters he sent in reply state with great clearness the relations of the colonies to England, and the right claimed by them to be taxed only through their own Assemblies.<sup>1</sup> These letters had the effect of preventing the Governor from urging the plan of the Lords of Trade.

The colonies adopting no plan of union for defence, their protection devolved on England, whose war with France caused them to be put in peril. The terrible defeat of Braddock caused England to leave them to their fate. But Franklin, having been sent to London in 1757, as the agent for Pennsylvania, found that Pitt had been made Prime Minister, and that the helm of state was already responding to the hand of his transcendent genius. He at once proposed to the ministry to send another army to America, charged with the conquest of Canada and the French possessions. He urged that this was the true way to fight France, instead of engaging her in Europe, because defeating her in America meant the acquisition by England of the territory north and west of her colonies. Pitt at once acted on the suggestion, and the capture of

<sup>1</sup> Franklin's Works, vol. iii., 57-68.

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Quebec by Wolfe and the driving of the French from North America were the result.

In after life Franklin, in relating the fate of his plan of union proposed at the Albany convention, said: "It would have been happy for both sides if it had been adopted. The colonies so united would have been sufficiently strong to have defended themselves; there would then have been no need of troops from England. Of course, the subsequent pretext for taxing America and the bloody contest it occasioned would have been avoided." Philosopher as he was, he did not recognize the hand of Providence, which, rejecting his seemingly wise plan, brought on step by step the American Revolution, and which prepared the continent for the future American Republic by first giving so large a part of it to the English, to be wrested from them by the United States in their War of Independence.

By the treaty of Paris, in 1763, her conquests in America were secured to England, and she was left in possession of all North America, except New Orleans, the Floridas, and Louisiana west of the Mississippi, which were held by Spain. The genius of Pitt had not only extricated England from the dangers which a series of disasters had brought upon her, but had added a vast territory to her possessions, and had advanced her to the highest place among the nations of the earth.

In no part of her dominions was there more true joy at the result than in the American colonies. James Otis gave expression to their joyful anticipations and genuine loyalty, when, at a Boston town meeting, he exclaimed: "We in America have

abundant reason to rejoice. The heathen are driven out, and the Canadians conquered. The British dominion now extends from sea to sea, and from the great rivers to the end of the earth. Liberty and knowledge, civil and religious, will co-extend, improved and preserved, to the latest posterity." And extolling the British Constitution and the union between Great Britain and her colonies, he said, "What God in his providence has united, let no man dare attempt to pull asunder."

But these bright anticipations of a happy future were soon turned into the gloomiest forebodings. In 1763, Parliament renewed the tax on sugar and molasses imported into the colonies, and steps were taken for the rigid enforcement of this and the navigation acts. All officers, civil, military, and naval, were constituted Custom House officials, and required to break up all illicit traffic by seizures, to be carried before courts of admiralty presided over by appointees of the Crown, in which trials by jury were not allowed. Large emoluments in cases of forfeiture were given to the officers making the seizures. Of course their proceedings became oppressive in the highest degree, and the more so as practically there was no appeal, so great was the cost and difficulty of obtaining a hearing before the Privy Council in England.

Soon the colonies were informed by their agents that the ministry of the young King, George III., from which Pitt had been driven, designed to alter the colonial charters so as to destroy the influence of their Assemblies, to quarter a standing army in their midst, and to impose a tax on the colonies with which that army should be supported, and a revenue

be derived to England, burdened with an enormous debt by her late wars.

George Grenville, succeeding the Earl of Bute in the Ministry, abandoned the scheme of changing the charters, but informed the colonial agents that it was fully determined to impose a tax, and that a stamp tax had been determined on, unless the colonies would suggest one equally efficient; and in order that they might have an opportunity of doing so, the tax would not be pressed until the next session of Parliament. Accordingly, on March 9, 1764, he read in the House of Commons resolutions declaratory of this purpose, the execution of which he asked might be deferred until the colonies could be heard from. These resolutions were agreed to on the 17th of the month in Committee of the Whole, and were heartily approved by the King, who, in proroguing Parliament on April 19, spoke of "the wise regulations which had been established to augment the public revenues, to unite the interests of the most distant possessions of the Crown, and to encourage and secure their commerce with Great Britain." How little he dreamed of the stupendous folly of the proposed legislation!

The Declaratory Resolves caused the greatest sensation throughout America. Men everywhere entered upon the discussion of the constitutional and chartered rights of the colonies, and as the discussion progressed in the press, in public meetings, and in legislative assemblies, parties were formed. The opponents of the tax were called "Whigs," and "Patriots," and the supporters of the administration were called "Loyalists," "Tories," and "Friends of Government."

The first public meeting in which opposition to the proposed tax was indicated, assembled in Faneuil Hall, in the town of Boston, on May 24, 1764. This meeting instructed their representatives in the Assembly, in a paper prepared by Samuel Adams, to oppose the proposed tax as subversive of their rights, and directed that an effort be made to engage the other colonies in a united protest against it. The General Court, as the Assembly was styled, met six days afterward, and James Otis, a member from Boston, was the leading spirit. By his influence its action was cast in the mould of these instructions.

Almost all of the colonies, through their Assemblies, protested in earnest and able papers against the proposed tax. The Virginia Assembly met in November, 1764. On December 18 a committee reported an address to the King, a memorial to the House of Lords, and a remonstrance to the House of Commons. The first and second of these papers were drawn by Richard Henry Lee, and the third by George Wythe. For ability and spirit in presenting the cause of the colonies, they compare favorably with any sent to England.<sup>1</sup> Yet they evidently anticipated no opposition beyond remonstrance, and this may be said of all the papers sent from the other colonies.

The British Ministry had only asked the colonies to indicate the tax most acceptable to them, not to furnish reasons why they should not be taxed. A tax had been determined on, and the protest of the colonies against the right to levy it, only made them the more determined to establish the right by exercising it. On February 6, 1765, Grenville pro-

<sup>1</sup> See them in Wirt's Henry, Appendix.



posed to the Committee of Ways and Means of the whole House fifty-five resolutions, embracing the details of a Stamp Act for America, and making all offences against it cognizable in Courts of Admiralty. In his speech he urged that the right of the colonies to protection at the hands of Parliament, gave Parliament the right to enforce a revenue from them; that protection meant an army, and an army must be paid, and this required the levy of taxes; that the debt of England was one hundred and forty millions sterling, while America only owed eight hundred thousand pounds, and paid only seventy-five thousand pounds annually for the support of its government. He claimed that their charters interposed no obstacle to a parliamentary tax, and if they did, they were subject to the control of Parliament and could be altered; and finally he claimed that the colonies were constructively represented in Parliament, which was the common council of the whole empire, and could legislate for all parts in all matters.

The motion was opposed by Alderman Beckford, Richard Jackson, Colonel Isaac Barré, and General H. S. Conway, the last two of whom had been dismissed from the army because of their independent course in Parliament. Colonel Barré had accompanied the gallant Wolfe in his American campaign, and knew personally the American character and the grievances of the colonies. His reply to Charles Townshend's attack on the colonists made him famous. In it he called the Americans *Sons of Liberty*, and on the report of his speech the party of the "Patriots" added these words to their name. In this debate only Beckford and Conway questioned

the power of Parliament to impose the tax. Pitt was not in his seat. In his speech urging the repeal of the act, delivered in January, 1766, he said: "When the resolution was taken in the House to tax America I was ill in bed. If I could have endured to have been carried in my bed, so great was the agitation of my mind for the consequences, I would have solicited some kind hand to have laid me down on this floor to have borne my testimony against it."

On February 27, 1765, the Stamp Act passed the House of Commons, which refused even to allow the protests of the colonies to be read. On March 8, it was agreed to by the Lords, without division or debate. On March 22, the royal assent was given by a commission, the King having become insane.<sup>1</sup>

In passing the Act Parliament reflected the will of its constituents. Dr. Franklin, after doing all in his power to prevent its passage, wrote: "The tide was too strong against us. The nation was provoked by American claims of independence (of the power of Parliament), and all parties joined by resolving in this Act to settle the point. We might as well have hindered the sun's setting."

The Act was to go into operation on November 1, 1765, and was so contrived as to enforce itself. Unless stamps were used marriages would be null, obligations valueless, ships at sea prizes to the first captor, alienations of real estate invalid, inheritances irreclaimable, legal proceedings impossible.

It was not doubted in England or America that

<sup>1</sup> A concise statement of the conduct of England toward the colonies, with a full list of authorities, will be found in Winsor's *Narrative and Critical History of America*, vi., chap. 1.

the Act would be enforced. James Otis had said in 1764, "It is our duty to submit."<sup>1</sup> The legislature of Massachusetts had said, "We yield obedience to the Act granting duties."<sup>2</sup> When the Act was first proposed the agents of the colonies showed no disposition to oppose it,<sup>3</sup> and in no colony had the ground been taken that the tax, if imposed, should be resisted.

Grenville expected, however, that the submission would be by men smarting under a feeling of wrong, and to avoid all unnecessary irritation he determined to select only Americans, and those of character and influence, to act as stamp distributors. He requested the colonial agents to select his appointees, and they complied with his request, Dr. Franklin naming John Hughes for Pennsylvania.<sup>4</sup>

The intelligence of the passage of the Act caused the deepest despondency among the patriots of America. They had trusted that their earnest protest would cause it to be abandoned, but now that they realized the fact that the tax was imposed, and saw no way to escape it, they felt that a great political right, the corner-stone of English liberty, was about to be wrested from them forever. Resistance to the British authority was not proposed by the patriot leaders, and submission to the tax was the only alternative. In all the colonies unmistakable signs were given of submission to the will of Parliament, but by a people greatly dissatisfied.

<sup>1</sup> *Rights of the Colonies*, p. 40.

<sup>2</sup> *Answer of Council and House*, November 3, 1764.

<sup>3</sup> *Bancroft's United States*, v., p. 180, ed. 1857.

<sup>4</sup> *Franklin to Dean Tucker*. *Works of Franklin*, Sparks's edition, iv., 522.

The leading spirit in New England, James Otis, repelled the idea that there would be any resistance. He said: "It is the duty of all humbly, and silently, to acquiesce in all the decisions of the supreme legislature. Nine hundred and ninety-nine in a thousand of the colonists will never once entertain a thought but of submission to our Sovereign, and to the authority of Parliament in all possible contingencies. They undoubtedly have the right to levy internal taxes on the colonies."<sup>1</sup> With a knowledge of his sentiments the town of Boston re-elected him to the Assembly in May, and that body re-elected Thomas Oliver as Councillor, although he had been appointed a stamp distributor. On June 6 Otis prevailed on the body to propose to the colonies a congress, to meet in New York in October, "to consult together on the present circumstances of the colonies, and the difficulties to which they are and must be reduced, by the operation of the Acts of Parliament for levying duties and taxes on the colonies; and to consider of a general and united, dutiful, loyal, and humble representation of their condition to his Majesty, and to the Parliament, and to implore relief." This, the only action taken by the Massachusetts legislature, was aided by the royal Governor, Bernard, who thus gained control of the movement, and managed to have two "government men," Oliver Partridge and Timothy Ruggles, associated with Otis on the delegation from that colony.<sup>2</sup> It is apparent, both from the expressed object of the call, and from the time fixed for the meeting of the convention, that it was expected that the act would

<sup>1</sup> Bancroft, v., 271.

<sup>2</sup> Gordon's *History of the American Revolution*, vol. I., p. 120.

go into operation before the result of its "humble representation" could be heard—indeed before it could reach England. Hutchinson, the Chief Justice of the colony, wrote to the ministry five weeks after news of its passage: "The Stamp Act is received among us with as much decency as could be expected; it leaves no room for evasion, and will execute itself."<sup>1</sup> So little did the legislature of New Hampshire care for the Act, that it adjourned without even accepting the invitation of Massachusetts.<sup>2</sup> The colony of Rhode Island appeared ready to submit to Parliament,<sup>3</sup> as did Connecticut.<sup>4</sup> From New York Lieutenant-Governor Colden wrote to the Ministry that the passage of the Act caused no disturbance in that colony.<sup>5</sup> The legislature of New Jersey declined the invitation of Massachusetts to meet in a convention.<sup>6</sup> The legislature of Pennsylvania was in session when intelligence of the passage of the Act was received at Philadelphia, but it adjourned without taking notice of it.<sup>7</sup> The legislature of Delaware had no opportunity of taking action before the congress met in New York, on October 7, but no signs of resistance to the execution of the Act appeared in that colony. The Governor of Maryland reported that the Act would be carried into execution.<sup>8</sup> In North Carolina the legislature, so far from resenting the passage of the Act, took steps, at the instance of Governor Tryon, to support the Church of England by a general tax, although many of the inhabitants were Dissenters.<sup>9</sup>

<sup>1</sup> Bancroft, *United States*, v., 272.

<sup>2</sup> *Id.*, 293.

<sup>3</sup> Gordon, vol. i., 119.

<sup>4</sup> *Id.*, 117.

<sup>5</sup> *Documents Relating to the Colonial History of New York*, vii., 710.

<sup>6</sup> Bancroft, v., 292.

<sup>7</sup> *Gordon's History of Pennsylvania*, p. 433.

<sup>8</sup> Bancroft, v., 293.

<sup>9</sup> *Id.*, 271.

The legislature of South Carolina did not meet till July, and no sign of resistance was seen in that colony. Her legislature, however, was the first to respond favorably to the call of Massachusetts.<sup>1</sup> In Georgia the Act was deemed an equal mode of taxation, and it had been defended by Knox, the agent of the colony.<sup>2</sup> In Virginia the people prepared themselves to submit, but with despondent feelings. They determined, by frugality, and banishing articles of luxury of English manufacture, to cause the Act to recoil on England. The House of Burgesses reassembled on May 1, but none of the members proposed any measure of resistance, or even of further protest. Richard Henry Lee, so active at the preceding session in protesting against the passage of the Act, did not attend the meeting.<sup>3</sup> A majority of the Governors wrote to the Ministry that the Act would be enforced, and this was the belief of the gentlemen who accepted the office of stamp distributors.<sup>4</sup>

Thus the execution of the Act seemed inevitable, and, once submitted to, the claim of Parliament to tax the colonies would have been firmly established, and the colonies enslaved. Burke described their condition, subjected to such a power, when he afterward asked the Ministry,<sup>5</sup> "What one characteristic of liberty the Americans have, and what one brand of slavery are they free from, if they are bound in their property and industry by all the restraints you can imagine on commerce, and at the same time are made pack-horses of every tax you choose to impose,

<sup>1</sup> Bancroft, v., 294.

<sup>2</sup> Id., 155 and 272.

<sup>3</sup> The Journal does not show his presence.

<sup>4</sup> Parliamentary History, vol. 16, p. 191.

<sup>5</sup> Speech on American Taxation.

without the least share in granting them?" And Bacon had said before him: "The blessings of Judah and Issachar will never meet, that the same people or nation should be both the lion's whelp and the ass between two burdens; neither will it be that a people overlaid with taxes should ever become valiant and martial. It is true that taxes levied by consent of the state do abate men's courage less, as it hath been seen notably in the excise of the Low Countries, and in the subsidies of England, for you must note that we speak now of the heart and not of the purse; so that although the same tribute or tax laid by consent or by imposing be all one to the purse, yet it works diversely upon the courage, so that you may conclude that no people overcharged with tribute is fit for empire."<sup>1</sup>

The inevitable effect of once submitting to the Act was fully appreciated by the patriots, and John Adams expressed their conviction when he entered in his diary, on December 18, 1765, "If this authority is once acknowledged and established, the ruin of America will become inevitable."

The great mass of the people were thoroughly convinced that the Act was in violation of their rights, and an unjustifiable wrong inflicted on them, but no one stood forth around whom they could rally in opposing its execution. All the leaders to whom they had been accustomed to look, failed them in this their hour of extreme peril. But, as so often has happened in great crises, the ruler of human affairs had trained, and now brought

<sup>1</sup> Bacon on the True Greatness of Kingdoms.

forward, one in every way equal to the occasion—a man of the people, thoroughly identified with them, and fitted, by native genius and by undaunted courage, to inspire them with the high resolve, to stake all on the preservation of the great principle of representative government.



## CHAPTER IV.

### ENTRANCE ON PUBLIC LIFE—RESOLUTIONS AGAINST STAMP ACT—1765.

**Election of Mr. Henry to the House of Burgesses.**—Character of the House.—Lower Counties and Upper Counties.—Characteristics of the People.—Proposition to make a Public Loan to Relieve Individual Embarrassment.—Eloquent Speech of Mr. Henry in Opposition.—Resolutions against the Stamp Act Introduced by Mr. Henry, May 29, 1765, and Carried against the Opposition of the Old Leaders.—Mr. Jefferson's Account of the Debate.—Accounts of Governor Fauquier and Rev. William R. Johnson.—Contemporaneous Evidence Concerning the Number of Resolutions Offered and Passed.—Leadership of the Colony awarded Mr. Henry as a Consequence of his Action.—Effect of the Resolves on the Colonies.—Resistance to the Execution of the Act.—Stamp Act Congress.—Mr. Henry's Fame.—He gave the Initial Impulse to the Revolution.

It was at this critical period that Patrick Henry entered upon public life. On the first day of its session the House of Burgesses took steps to fill several vacancies which had occurred during the recess. One of these was from the county of Louisa, whose delegate, William Johnson, had accepted the office of Coroner. Mr. Henry, though not a resident of that county, was elected to fill the vacancy,<sup>1</sup> his name being brought forward by William Venable, a prominent citizen. It has been said that the vacancy was made in order that Mr. Henry might become a member of the House, and exert himself

<sup>1</sup> A bond executed in August, 1765, describes him as a resident of Hanover County.

against the Stamp Act. But there seems to be no ground for this assertion, as Mr. Johnson accepted the office of Coroner, which required the resignation of his seat, before information was received of the passage of the Act.<sup>1</sup> The happening of the vacancy at this time, and the election of Mr. Henry to fill it, must be considered events of that kind styled by some, accidental, but by the more thoughtful, providential. Certainly no event seemingly so unimportant as the resignation of Mr. Johnson, ever produced more important results.

Mr. Henry took his seat May 20, and was at once placed on the Committee of Courts of Justice. He entered a body of intellectual and patriotic men, whose proceedings were conducted with the utmost decorum, and whose leaders were possessed of ability, of culture, and of deserved influence.<sup>2</sup>

John Robinson, the Speaker of the House, had filled the chair for twenty-five years with great dignity. He was possessed of a strong mind, which was enlarged by great experience, and of a benevolence of spirit and courtesy of manner which rendered him exceedingly popular. He was wealthy, and was the acknowledged head of the landed aristocracy. As Speaker of the House he was also Treasurer of the colony, and was altogether the most influential member of the body. The high offices he held caused him to be warmly attached to the royal government, and he was very averse to taking any step which would be censured by the Ministry.

Peyton Randolph, the Attorney-General, held the next rank to the Speaker. He was an eminent law-

<sup>1</sup> This information was not received till after the House met.

<sup>2</sup> See Appendix II. for a list of the members.

yer, an accomplished parliamentarian, and a practical statesman of a high order. He presided over the House when it sat in committee of the whole.

Edmund Pendleton was justly ranked as one of the ablest men in the House. Mr. Jefferson has said of him, "Taken all in all, he was the ablest man in debate I ever met; he was cool, smooth, and persuasive; his language flowing, chaste, and embellished; his conceptions quick, acute, and full of resource; add to this that he was one of the most virtuous and benevolent of men, the kindest friend, the most amiable and pleasant of companions."

George Wythe is described by Mr. Jefferson as the best Latin and Greek scholar in the colony, and of such purity and inflexible integrity, of such warm patriotism and devotion to liberty, that he might have been called the Cato of his country, without the avarice of the Roman. His elocution was easy and his language chaste. He was methodical in the arrangement of his matter, learned and logical in the use of it, and of great urbanity in debate; not quick of apprehension, but profound in penetration, and sound in conclusion.

Richard Bland is described by the same pen, as the most learned and logical man of those who took a prominent lead in public affairs; profound in constitutional lore, but a most ungraceful speaker in debate. He wrote the first pamphlet on the nature of the colonial connection with Great Britain, which had any pretension to accuracy of view on that subject. Edmund Randolph states, that his perfect knowledge of the history of the colony had given him the name of the "Virginian Antiquarian."

Richard Henry Lee was already distinguished for

that learning, and those great gifts of tongue and pen, which won for him the title of the "Cicero of America."

George Washington, modest and retiring as a member, was the *beau ideal* of a soldier, and was already noted for that strong common sense and perfectly balanced character, which have won the admiration of the world. He at once became Mr. Henry's friend.

Robert Carter Nicholas, of singular purity of character and strength of intellect, was the leading lawyer of the colony.

Besides these may be named among those who deservedly rose to high position, and were already men of influence, Paul Carrington, Benjamin Harrison, William Cabell, Archibald Cary, Thomas Marshall, John Page, Carter Braxton, Francis Lightfoot Lee, Thompson Mason, Dudley Digges, and the accomplished John Blair of the College. The list shows other names of equal merit and intelligence which will be recognized by the reader.

History does not tell us of a State of the same size as Virginia which could, at any one period, furnish such a galaxy of great names as is found on the roll of this House; and one is forced to admire the elements of Virginia society, which united to bring upon the stage of action at one time such a superb body of men.

If there were parties in the House they were best divided by a geographical line, which would separate the old counties on tide-water, from the newer and more western, known as "upper counties." Of the fifty-six counties on the roll of the House thirty-five were on tide-water, or in that sec-

tion.<sup>1</sup> The rest were in the piedmont and mountainous regions.

But this division would have been made not because of the geographical line, but of the difference in the population on either side of it. The counties on tide-water, first settled, contained a population almost purely English, an admixture of the cavalier and puritan elements, and showing some of the best characteristics of both. Many younger sons of wealthy or noble families, many of the yeomanry, and many of the merchant class of England were found among them. Entailed estates, and large property in slaves, had developed a decided aristocracy, which vied with the vice-regal court of the Governor at Williamsburg in their manner of living. They prided themselves on being loyal to the King and the Established Church.

Far different were the people who settled to the westward, and who, or whose immediate ancestors, had to subdue the forest and its savage inhabitants. While these were largely English also, with some admixture of French Huguenot, Scotch, and German, as was also the case in tide-water Virginia, there was also found a large, and in some counties a controlling element, of Scotch-Irish. This was notably so in the valley counties.

The Scotch who settled the north of Ireland during the first quarter of the seventeenth century, became restless under the persecutions to which they were subjected in the reign of Queen Anne, and emigrated to America in great numbers during the eighteenth century. In 1738, they applied to Governor Gooch for permission to settle in the valley of

<sup>1</sup> Jefferson's Notes on Virginia, 152.

Virginia, promising to hold the western frontier against the Indians, and imposing but one condition, "that they be allowed the liberty of their consciences, and of worshipping God in a way agreeable to the principles of their education." The Governor returned a gracious answer, and soon the valley of Virginia, from Pennsylvania to the North Carolina line, was filled with this hardy race, which overflowed the mountains and gave tone and character to the piedmont counties.

This people, which has so largely controlled the history of Virginia, retained in a remarkable degree the characteristics which distinguished them in the old world. They were Presbyterians in their religion and church government, were loyal to the conceded authority of the king, but held him to be bound, as well as themselves, by "the solemn League and Covenant," made in 1643, by which the throne was pledged to the support of the reformation, and of the liberties of the kingdoms; they claimed the rights of a free church; they practised strict discipline in morals, and rigidly trained their youth in secular and religious learning; and as a race they combined, as perhaps no other did, acuteness of intellect, firmness of purpose, and conscientious devotion to duty. Trained to arms by their continuous contact with the treacherous savage, they became a race of soldiers, distinguished in every war in which Virginia had been engaged. As the vast territory was divided into new counties, this population began to exercise influence in the councils of the State. Upon all questions involving the exercise of arbitrary powers they were a united band, withstanding the tendency of the cavaliers to bow

to royal authority, and maintaining their rights with the spirit of John Knox.

Mr. Henry had not been in his seat three days before he was called to his feet, by a proposition that the colony borrow £240,000, to be secured and met by a tax on tobacco, of which £100,000 was to be used to redeem the current paper money, issued to meet the expenses of the late war, and £140,000 in loans on permanent security. Mr. Jefferson, who heard the debate, has left the following account of the matter :

“The gentlemen of this country had, at that time, become deeply involved in that state of indebtment which has since ended in so general a crush of their fortunes. Mr. Robinson, the Speaker, was also the Treasurer, an officer always chosen by the Assembly. He was an excellent man, liberal, friendly, and rich. He had been drawn in to lend, on his own account, great sums of money to persons of this description ; and especially those who were of the assembly. He used freely for this purpose the public money, confiding for its replacement in his own means, and the securities he had taken on those loans. About this time, however, he became sensible that his deficit to the public was become so enormous, as that a discovery must soon take place, for as yet the public had no suspicion of it. He devised therefore, with his friends in the assembly, a plan for a public loan office, to a certain amount, from which money might be lent on public account, and on good landed security, to individuals. I find in Royle's *Virginia Gazette* of May 17, 1765, this proposition for a loan office presented, its advantages detailed, and the plan explained. It seems to have been done by a borrowing member, from the feeling with which the motives are expressed, and to have been preparatory

to the intended motion. The motion for a loan office was accordingly brought forward in the House of Burgesses, and had it succeeded, the debts due to Robinson on these loans would have been transferred to the public, and his deficit thus completely covered. This state of things, however, was not yet known: but Mr. Henry attacked the scheme on other general grounds, in that style of bold, grand, and overwhelming eloquence, for which he became so justly celebrated afterward. I had been intimate with him from the year 1759-60, and felt an interest in what concerned him; and I can never

**forget a particular exclamation of his in the debate, which electrified his hearers. It had been urged, that, from certain unhappy circumstances of the colony, men of substantial property had contracted debts, which, if exacted suddenly, must ruin them and their families, but with a little indulgence of time, might be paid with ease. 'What sir,' exclaimed Mr. Henry, in animadverting on this, 'is it proposed, then, to reclaim the spendthrift from his dissipation and extravagance, by filling his pockets with money?' These expressions are indelibly impressed on my memory. He laid open with so much energy the spirit of favoritism, on which the proposition was founded, and the abuses to which it would lead, that it was crushed in its birth. He carried with him all the members of the upper counties, and left a minority composed merely of the aristocracy of the country. From this time his popularity swelled apace; and Mr. Robinson dying the year afterward, his deficit was brought to light, and discovered the true object of the proposition."**<sup>1</sup>

Mr. Jefferson's memory was at fault in the statement that the proposition was defeated in the House.

<sup>1</sup> Wirt's Henry, 69-71.



The Journal shows that it passed the House, and was disapproved by the Council, after a conference with a committee of the House, consisting of Edmund Pendleton, Archibald Cary, Benjamin Harrison, Lewis Burwell, George Braxton, and John Fleming, who were, doubtless, advocates of the scheme.

The exclamation so indelibly impressed on Mr. Jefferson's memory is an example of Mr. Henry's wonderful power of expression, by which he was enabled to condense his argument into one brilliant sentence, which, like an electric flash, illumined his subject, and stamped itself on the minds of his hearers. In this, Mr. Henry's first debate in the House, he displayed not only his great powers of eloquence, but his courage in maintaining his convictions of public duty against the united efforts of the aristocratic leaders of the body. He at once threw himself athwart their path, and aroused their enmity, which was none the less bitter because mixed with dread.

But what he lost on one side of the House he gained on the other. The members who, like himself, represented the yeomanry of the colony, were filled with admiration and delight. They rallied around the man who was one of themselves, and who showed himself able to cope with the ablest of the old leaders.

Mr. Henry, since the argument of the "Parsons' Cause," had been recognized in his county as the boldest of the advocates of colonial rights, and it was doubtless due to this that he had been elected to the House of Burgesses. He found the House thrown into consternation by the intelligence of the passage of the Stamp Act, but with no seeming dis-

position to resist its execution. The men who had so earnestly protested against its passage felt that they had done their whole duty, and that nothing was left, but to submit to the will of Parliament. But Mr. Henry was of a different mind. His wonderful political sagacity, so often displayed afterward, convinced him, that submission to the Act would be fatal to the liberties of the colonies; and that a bold move might have the effect of uniting the people in a determined opposition to its execution, the only hope of preventing its disastrous consequences. So believing, he wrote on the blank leaf of an old copy of "Coke upon Littleton," his famous resolutions against the Act, which were based upon the declaration of that author, that it is against Magna Charta, and the franchises of the land, for freemen to be taxed but by their own consent, and that an Act of Parliament against Magna Charta, or common right, or reason, is void. He showed them to George Johnston, of Fairfax, and John Fleming, of Cumberland, before moving them, and obtained their promise of support. On May 29, his twenty-ninth birthday, he offered them to the House sitting in committee of the whole,<sup>1</sup> and Mr. Johnston seconded them. Mr. Henry, who was careless in the preservation of papers touching his public life, considered the effect of these resolutions of such transcendent importance, that he left, along with his will, a copy of them, and an account of their passage, in a sealed letter endorsed, "Inclosed are the resolutions of the Virginia Assembly, in 1765, concerning the Stamp Act. Let my executors open

<sup>1</sup> Paul Carrington wrote Mr. Wirt that Johnston moved to go into committee of the whole and Mr. Henry seconded the motion.

this paper." Within was found the following copy of the resolutions :


*"Resolved,* That the first adventurers and settlers of this his Majesty's colony and dominion brought with them, and transmitted to their posterity, and all other his Majesty's subjects since inhabiting in this his Majesty's said colony, all the privileges, franchises, and immunities that have at any time been held, enjoyed, and possessed by the people of Great Britain.

*"Resolved,* That by two royal charters, granted by King James the First, the colonists aforesaid are declared entitled to all the privileges, liberties, and immunities of denizens and natural-born subjects, to all intents and purposes as if they had been abiding and born within the realm of England.

*Resolved,* That the taxation of the people by themselves, or by persons chosen by themselves to represent them, who can only know what taxes the people are able to bear, and the easiest mode of raising them, and are equally affected by such taxes themselves, is the distinguishing characteristic of British freedom, and without which the ancient Constitution cannot subsist.

*"Resolved,* That his Majesty's liege people of this most ancient colony have uninterruptedly enjoyed the right of being thus governed by their own Assembly in the article of their taxes and internal police, and that the same hath never been forfeited or any other way given up, but hath been constantly recognized by the kings and people of Great Britain.

*"Resolved, therefore,* That the General Assembly of this colony have the only and sole exclusive right and power to lay taxes and impositions upon the inhabitants of this colony, and that every attempt to vest such power in any person or persons whatso-



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ever, other than the General Assembly aforesaid, has a manifest tendency to destroy British as well as American freedom."

On the back of the paper containing these resolutions is the following endorsement, which is in the handwriting of Mr. Henry himself :

"The within resolutions passed the House of Burgesses in May, 1765. They formed the first opposition to the Stamp Act and the scheme of taxing America by the British Parliament. All the colonies, either through fear, or want of opportunity to form an opposition, or from influence of some kind or other, had remained silent. I had been for the first time elected a Burgess a few days before, was young, inexperienced, unacquainted with the forms of the House, and the members that composed it. Finding the men of weight averse to opposition, and the commencement of the tax at hand, and that no person was likely to step forth, I determined to venture, and alone, unadvised, and unassisted, on a blank leaf of an old law-book, wrote the within. Upon offering them to the House violent debates ensued. Many threats were uttered, and much abuse cast on me by the party for submission. After a long and warm contest the resolutions passed by a very small majority, perhaps of one or two only. The alarm spread throughout America with astonishing quickness, and the Ministerial party were overwhelmed. The great point of resistance to British taxation was universally established in the colonies. This brought on the war which finally separated the two countries and gave independence to ours. Whether this will prove a blessing or a curse, will depend upon the use our people make of the blessings which a gracious God hath bestowed on us. If they are wise,

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they will be great and happy. If they are of a contrary character, they will be miserable. Righteousness alone can exalt them as a nation. Reader! whoever thou art, remember this; and in thy sphere practise virtue thyself, and encourage it in others.

“P. HENRY.”<sup>1</sup>

In addition to this modest statement we have the following interesting account given by Mr. Jefferson. He says, as quoted by Mr. Wirt :

“Mr. Henry moved and Mr. Johnston seconded these resolutions successively. They were opposed by Messrs. Randolph, Bland, Pendleton, Wythe, and all the old members, whose influence in the House had, till then, been unbroken. They did it, not from any question of our rights, but on the ground that the same sentiments had been, at their preceding session, expressed in a more conciliatory form, to which the answers were not yet received. But torrents of sublime eloquence from Henry, backed by the solid reasoning of Johnston, prevailed.” The last, however, and strongest resolution was carried but by a single vote. The debate on it was most bloody. I was then but a student, and stood at the door of communication between the House and the lobby (for as yet there was no gallery) during the whole debate and vote; and I well remember that, after the members on the division were told and declared from the chair, Peyton Randolph (the Attorney-General) came out at the door where I was standing, and said, as he entered the lobby: ‘By God, I would have given 500 guineas for a single vote;’ for one would have divided the House, and

<sup>1</sup> This paper is in the possession of the author.

<sup>2</sup> Paul Carrington says that Robert Munford and John Fleming also spoke.

Robinson was in the chair, who he knew would have negatived the resolution. Mr. Henry left town that evening, and the next morning, before the meeting of the House, Colonel Peter Randolph, then of the Council, came to the Hall of Burgesses, and sat at the clerk's table till the House-bell rang, thumbing over the volumes of journals, to find a precedent for expunging a vote of the House, which, he said, had taken place while he was a member or clerk of the House, I do not recollect which. I stood by him at the end of the table a considerable part of the time, looking on, as he turned over the leaves, but I do not recollect whether he found the erasure. In the meantime, some of the timid members, who had voted for the strongest resolution, had become alarmed; and as soon as the House met, a motion was made and carried to expunge it from the journal. There being at that day but one printer, and he entirely under the control of the Governor, I do not know that the resolution ever appeared in print. I write this from memory, but the impression made on me at the time was such as to fix the facts indelibly in my mind. I suppose the original journal was among those destroyed by the British, or its obliterated face might be appealed to. And here I will state, that Burk's statement of Mr. Henry's consenting to withdraw two resolutions, by way of compromise with his opponents, is entirely erroneous."<sup>1</sup>

In his autobiography Mr. Jefferson says of Mr. Henry's speech: "I attended the debate at the door of the lobby of the House of Burgesses, and heard the splendid display of Mr. Henry's talents as a popular orator. They were great indeed; such as I have never heard from any other man. He appeared to me to speak as Homer wrote."

<sup>1</sup> Wirt's Henry, 73-9.

Judge Paul Carrington, who entered the House on the 25th of the month as a delegate from Charlotte, in his letter to Mr. Wirt, sustains the recollections of Mr. Jefferson. He declared that Mr. Henry's eloquence in the debate was beyond his powers of description. He states that on the 30th, after the adoption of the resolutions by the House, Mr. Henry left for his home,<sup>1</sup> and the next day, on the motion of the Attorney-General, the fifth resolution was erased from the record. He adds that the journal was soon afterward missing. The printed journal sustains these gentlemen, in that it only contains the first four resolutions. The entries on it touching the matter are as follows :

"1765, May 29. On motion made, *Resolved*, That the House resolve itself into a committee of the whole House immediately, to consider the steps necessary to be taken in consequence of the resolutions of the House of Commons of Great Britain, relative to the charging certain Stamp Duties in the Colonies and Plantations in America.

"The House accordingly resolved itself into the said committee, and after some time spent therein Mr. Speaker resumed the chair, and Mr. Attorney reported, that the said committee had had the said matter under their consideration, and had come to several resolutions thereon, which he was ready to deliver in at the table. Ordered, That the said report be received to-morrow."

"May 30. Mr. Attorney, from the committee of the whole House, reported, according to order, that

<sup>1</sup> "On the afternoon of the day that his resolutions were adopted, he might have been seen passing along the street, on his way to his home in Louisa, clad in a pair of leather breeches, his saddle-bags on his arm, leading a lean horse, and chatting with Paul Carrington, who walked by his side." Grigsby's Convention of 1776, citing Carrington memoranda.

the committee had considered of the steps necessary to be taken, in consequence of the resolutions of the House of Commons of Great Britain relative to the charging certain Stamp Duties in the Colonies and Plantations in America, and that they had come to several resolutions thereon, which he read in his place, and then delivered in at the table, where they were again twice read, and agreed to by the House, with some amendments, and are as follows :

*“ Resolved,* That the first adventurers and settlers of this his Majesty’s Colony and Dominion of Virginia brought with them, and transmitted to their posterity, and all other his Majesty’s subjects since inhabiting in this his Majesty’s said Colony, all the Liberties, Privileges, Franchises, and Immunities that have at any time been held, enjoyed, and possessed by the People of Great Britain.

*“ Resolved,* That by two Royal Charters, granted by King James the First, the Colonists aforesaid are declared entitled to all Liberties, Privileges, and Immunities of Denizens and Natural Subjects, to all intents and purposes, as if they had been abiding and born within the Realm of England.

*“ Resolved,* That the taxation of the People by themselves, or by Persons chosen by themselves to represent them, who can only know what taxes the People are able to bear, or the easiest method of raising them, and must themselves be affected by every tax laid on the people, is the only security against a burthensome taxation, and the distinguishing characteristick of British Freedom, without which the Ancient Constitution cannot exist.

*“ Resolved,* That his Majesty’s liege People of this his most ancient and Loyal Colony, have without interruption enjoyed the inestimable Right of being governed by such laws, respecting their internal Polity and Taxation, as are derived from their own consent, with the approbation of their Sovereign, or



his substitute; and that the same hath never been forfeited or yielded up, but hath been constantly recognized by the Kings and People of Great Britain."

It was in the "most bloody" debate on the last or fifth resolution, that Mr. Henry, while descanting on the tyranny of the obnoxious Act, exclaimed in a voice and with a gesture which startled the House: "Tarquin<sup>1</sup> and Cæsar had each his Brutus, Charles the First his Cromwell, and George the Third ——" "Treason!" shouted the Speaker. "Treason! Treason!" echoed from every part of the House. Without faltering for an instant, but rising to a loftier attitude, and fixing on the Speaker an eye which seemed to flash fire, Mr. Henry added, with the most thrilling emphasis—"may profit by their example! If *this* be treason, make the most of it."<sup>2</sup>

As no division was recorded, we have not the names of those voting for and against these resolutions. We learn, however, from Judge Paul Carrington's letter to Mr. Wirt that the House was thin, probably not more than forty-one being present, and that the six members from his immediate section voted with Mr. Henry. These were Henry Blagrove and William Taylor from Lunenburg, Robert Munford and Edmund Taylor from Mecklenburg, and Paul Carrington and Thomas Read from Charlotte. George Johnston, from Fairfax, and John Fleming, from Cumberland, are known to have supported him, and doubtless George Washington

<sup>1</sup> Or as some reported it, "Cæsar had his Brutus."

<sup>2</sup> Letter from Virginia, June 14, 1765, in London "Gazetteer" of August 13, 1765, and in General Advertiser to New York Thursday's "Gazette," October 31, 1765, cited by Bancroft, v. 277. MS. letter of Paul Carrington to Mr. Wirt.

voted for the resolutions, as a letter written soon afterward indicates strong opposition to the Act. Mr. Jefferson in after years said that the members from the upper counties invariably supported Mr. Henry in his revolutionary measures,<sup>1</sup> and there can be no doubt they did so on this occasion, and that to the Scotch-Irish and Huguenot members he was indebted for his triumph.

"By these resolutions," says Mr. Jefferson, "and his manner of supporting them, Mr. Henry took the lead out of the hands of those who had theretofore guided the proceedings of the House; that is to say, of Pendleton, Wythe, Bland, and Randolph." It was indeed a wonderful triumph. That a young man, for the first time a member of a deliberative body, and a stranger to nearly every member, should, within ten days after taking his seat, propose and carry through the House, against the united efforts of the able men who had long controlled the body, resolutions which placed the colony in direct antagonism to the British Government, is a feat unprecedented in the annals of legislation, and is of itself the highest testimony to his transcendent genius. From that day he had a right to be, as he was, the acknowledged leader of the colony of Virginia.

The session was drawing to a close, but the Governor, alarmed by these resolutions, sent for the House, and on June 1, dissolved it, instead of pro-roguing it to a future day.

It will be noted that Mr. Henry preserved five resolutions which he stated passed the House of Burgesses. The absence of the last one from the printed journal has been accounted for, by the action

<sup>1</sup> Conversation with Daniel Webster. Curtis's Webster.

of the body rescinding it the next day, when Mr. Henry was absent. But the resolutions which were printed and circulated as the action of the Assembly were six in number, and besides differing somewhat in language in the first five, they declared in the sixth, that any one who maintained that the Assembly had not the sole power to lay taxes on the people, should be deemed an enemy to the colony. How these came to be published as the action of the Assembly is an interesting question, and the following contemporaneous references to the matter will throw light upon the subject.

On June 5, 1765, Governor Fauquier wrote to the Lords of Trade as follows:<sup>1</sup>

"On Saturday, the 1st instant, I dissolved the Assembly, after passing all the bills except one, which were ready for my assent. The four Resolutions, which I now have the honor to inclose to your Lordships, will show your Lordships the reason of my conduct, and I hope justify it. I will relate the whole proceeding to your Lordships in as concise a manner as I am able.

"On Wednesday, May 29th, just at the end of the session, when most of the members had left the town, there being but thirty-nine present of one hundred and sixteen, of which the House of Burgesses now consists, a motion was made to take into consideration the Stamp Act, a copy of which had crept into the House; and in a committee of the whole five resolutions were proposed and agreed to, all by very small majorities. On Thursday, the 30th, they were reported and agreed to by the House, the number being as before in the committee; the greatest ma-

<sup>1</sup> See note to p. 266 of *Life of Patrick Henry*, Sparks's *American Biography*.

jority being twenty-two to seventeen; for the fifth resolution, twenty to nineteen only. On Friday, the 31st, there having happened a small alteration in the House, there was an attempt to strike all the resolutions off the journals. The fifth, which was thought the most offensive, was accordingly struck off, but it did not succeed as to the other four. I am informed the gentlemen had two more resolutions in their pocket, but finding the difficulty they had in carrying the fifth, which was by a single voice, and knowing them to be more virulent and inflammatory, they did not produce them.

"The most strenuous opposers of this rash heat were the late Speaker, the King's Attorney, and Mr. Wythe; but they were overpowered by the young, hot, and giddy members. In the course of the debates I have heard that very indecent language was used by Mr. Henry, a young lawyer, who had not been above a month a member of the House, and who carried all the young members with him. So that I hope I am authorized at least in saying, that there is cause to doubt whether this would have been the sense of the colony, if most of their representatives had done their duty by attending to the end of the session."

In a letter written to the Bishop of London, August 12, 1765, from King and Queen County, by Rev. William Robinson, Commissary for Virginia,<sup>1</sup> the following reference is made to the matter. After stating the conduct of Mr. Henry in the "Parsons' Cause," the writer says: "He has since been chosen a representative of one of the counties, in which character he has lately distinguished himself in the House of Burgesses, on occasion of the arrival of an Act of Parliament for stamp duties while the

<sup>1</sup> Perry's Historical Papers, Virginia, 514.

Assembly was sitting. He blazed out in a violent speech against the authority of Parliament and the King, comparing his Majesty to a Tarquin, a Cæsar, and a Charles the First, and not sparing insinuations that he wished another Cromwell would arise. He made a motion for several outrageous resolves, some of which passed, and were again erased as soon as his back was turned. Such was the behavior in the Lower House of Assembly, that the Governor could not save appearances without dissolving them. They were accordingly dissolved, and Mr. Henry, the hero of whom I have been writing, is gone quietly into the upper parts of the country, to recommend himself to his constituents by spreading treason, and enforcing firm resolutions against the authority of the British Parliament. This is at least the common report. The concluding resolve which he offered to the House, and which fell among the rejected ones, was that any person who should write or speak in favor of the Act of Parliament for laying stamp duties, should be deemed an enemy to the colony of Virginia; such notions has he of liberty and property, as well as of authority."

As the writer was a cousin of John Robinson, and lived in the same county with him, it is probable he got his information from the Speaker.

Gordon, in his "History of the American Revolution"<sup>1</sup> gives the original resolutions which, he states, were offered by Mr. Henry, and adds: "Upon reading these resolves the Scotch gentlemen in the House cried out treason, etc. They were, however, adopted. The next day some old members got them revised, though they could not carry it to reject them. As

<sup>1</sup> Pp. 117-18.

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revised, they stand thus on the printed journals of the House of Burgesses, etc."

John Marshall, whose father was a member, in his "Life of Washington" gives the original resolutions in nearly the same words as Gordon, and adds, that they all passed the committee, but the last two were lost in the House. Edmund Randolph makes the same statement in his "History of Virginia." Gordon states that "a manuscript of the unrevised resolves soon reached Philadelphia, having been sent off immediately upon their passing, that the earliest information of what had been done might be obtained by the Sons of Liberty. From thence the like was forwarded on June 17th. At New York the resolves were handed about with great privacy; they were accounted so treasonable that the possessors of them declined printing them in that city. The Irish gentleman alluded to above (from Connecticut) being there, inquired after them, and with much precaution was admitted to take a copy. He carried them to New England, where they were published and circulated far and wide in the newspapers, without any reserve, and proved eventually the occasion of those disorders which afterward broke out in the colonies."

The original resolves as printed by Gordon, appeared in *The Newport Mercury* June 24, and were copied into the Boston papers of July 1.<sup>1</sup> They are as follows:

"Whereas, The Honorable House of Commons, in England, have of late drawn into question how far the General Assembly of this colony hath power to

<sup>1</sup> Frothingham's *Rise of the Republic*, 180.

enact laws for laying of taxes and imposing duties payable by the people of this, his Majesty's most ancient colony; for settling and ascertaining the same to all future times, the House of Burgesses of this present General Assembly have come to the following resolves.

*"Resolved,* That the first adventurers, settlers of this his Majesty's colony and dominion of Virginia, brought with them and transmitted to their posterity, and all other his Majesty's subjects, since inhabiting in this his Majesty's colony, all the privileges and immunities that have at any time been held, enjoyed, and possessed by the people of Great Britain.

*"Resolved,* That by two royal charters, granted by King James the First, the colony aforesaid are declared and entitled to all privileges and immunities of natural-born subjects, to all intents and purposes as if they had been abiding, and born within the realm of England.

*"Resolved,* That his Majesty's liege people of this his ancient colony have enjoyed the right of being thus governed by their own Assembly in the article of taxes and internal police, and that the same have never been forfeited, or any other way yielded up, but have been constantly recognized by the King and people of Great Britain.

*"Resolved,* Therefore, that the General Assembly of this colony, together with his Majesty or his substitutes, have, in their representative capacity, the only exclusive right and power to lay taxes and imposts upon the inhabitants of this colony; and that every attempt to vest such power in any other person or persons whatever than the General Assembly aforesaid, is illegal, unconstitutional, and unjust, and has a manifest tendency to destroy British as well as American liberty.

*"Resolved,* That his Majesty's liege people, the

inhabitants of this colony, are not bound to yield obedience to any law or ordinance whatever, designed to impose any taxation whatsoever upon them, other than the laws or ordinances of the General Assembly aforesaid.

“*Resolved*, That any person who shall, by speaking or writing, assert or maintain that any person or persons, other than the General Assembly of this colony, have any right or power to impose or lay any taxation on the people here, shall be deemed an enemy to his Majesty’s colony.”

The four resolutions which appear on the Journal and two additional ones were printed in the *Williamsburg Gazette*.<sup>1</sup> And it is stated in the “Prior Documents,” printed in London in 1777, that these additional ones “were not passed, but only drawn up by the committee,” which means they were reported by the committee of the whole to the House.

From these statements it appears that six resolutions were offered in committee of the whole, and were there agreed to; that upon the report of the committee to the House, the five resolutions were adopted which were preserved by Mr. Henry; that on the next day the last of these was rescinded, and does not appear on the printed journal; and that the resolutions offered and agreed to in the committee of the whole, including the preamble which was afterward struck out, were published and taken as the action of the Virginia Assembly.<sup>2</sup>

The publication of Mr. Henry’s resolutions against

<sup>1</sup> Campbell’s History of Virginia, 543.

<sup>2</sup> The two last resolutions, which were struck out by the House, are given by Judge Marshall in the words above quoted from Gordon.



the Stamp Act created a widespread and intense excitement. They were hailed as the action of the oldest, and hitherto the most loyal of the colonies ; and as raising a standard of resistance to the detested Act. Mr. Otis pronounced them treasonable,<sup>1</sup> and this was the verdict of the Government party. But, treasonable or not, they struck a chord which vibrated throughout America. Hutchinson declared that, "nothing extravagant appeared in the papers till an account was received of the Virginia resolves."<sup>2</sup> Soon the bold exclamation of Mr. Henry in moving them was published, and he was hailed as the leader raised up by Providence for the occasion. The *Boston Gazette* declared : "The people of Virginia have spoken very sensibly, and the frozen politicians of a more northern government say they have spoken treason." But the people were no longer to be held down by "the frozen politicians," north or south. They commenced to form secret societies pledged to the resistance of the Act by all lawful means, which were called "The Sons of Liberty." The first notice of the existence of these associations seems to have been in the *Boston Gazette*, July 22, 1765, which describes them as forming in the several colonies. They were composed for the most part of the laboring classes, but were guided by able and influential leaders, and were the mainspring of the popular demonstrations against the Government. After a while they became open in their actions and published their proceedings. By their correspondence they united the continent in opposition to the Act, and pledged themselves to

<sup>1</sup> Hutchinson's History of Massachusetts, iii., 119.

<sup>2</sup> Gordon's History of American Revolution, i., 137.

defend any who might be in danger from their action.<sup>1</sup>

By some a system of passive resistance was determined on, and agreements to encourage home manufactures and to discontinue importations were entered into. They laid hold of the advice of Dr. Franklin, and adopted "Frugality and Industry," as their watchwords. In this movement the women of America were conspicuous.

In Virginia the effect of the stand taken by the Assembly was early reported by Governor Fauquier to the Ministry. He wrote, June 14: "Government is set at defiance, not having strength enough in her hands to enforce obedience to the laws of the Community. The private distress, which every man feels, increases the general dissatisfaction at the duties laid by the Stamp Act, which breaks out and shows itself upon every trifling occasion."<sup>2</sup>

The excitement of the people was greatly increased by the publication of the names of the stamp distributors, who were at once denounced as traitors to the cause of liberty; and the feeling of indignation at the contemplated wrong rose so high that it was impossible to restrain it.

The first public disturbances were in Massachusetts. They commenced in the city of Boston on August 12, 1765. On the morning of the 14th, an effigy of Oliver, the stamp distributor for the colony, was discovered hanging on the limb of an old elm near the entrance to the city, ever after known as "Liberty Tree." At once a crowd collected, and

<sup>1</sup> Frothingham's *Rise of the Republic*, 183.

<sup>2</sup> Burke's *Speech on American Taxation*.

a riot commenced with the cry of, "Liberty, Property, and no Stamps!" which was not quieted till Oliver had resigned his office. On August 26 another riot broke out, which destroyed the records of the Admiralty Court, and left the dwelling of Hutchinson in ruins. These disturbances were followed by similar uprisings in other towns of Massachusetts,<sup>1</sup> and in other colonies, and before November, when the Act was to go into effect, every person who had been appointed stamp distributor had been forced to resign, and all the stamps landed had been destroyed. The spirit which animated the people may be judged by the resolves of a large meeting of the Sons of Liberty of the county and town of Norfolk, Va., March 31, 1766. After expressing loyalty to the King, and readiness "when constitutionally called upon, to assist his Majesty with our lives and fortunes, and defend all his just rights and prerogatives," they

"*Resolved*, That we will by all lawful ways and means which Divine Providence hath put into our hands, defend ourselves in the full enjoyment of, and preserve inviolate to posterity, those inestimable privileges of all free-born British subjects, of being taxed by none but representatives of their own choosing, and of being tried only by a jury of their own peers; for if we quietly submit to the execution of the said Stamp Act, all our claims to civil liberty will be lost, and we and our posterity become absolute slaves.

"*Resolved*, That we will, on any future occasion, sacrifice our lives and fortunes, in concurrence with the other Sons of Liberty in American provinces, to

<sup>1</sup> Frothingham's Rise of the Republic, 184, note.

defend and preserve those invaluable blessings transmitted by our ancestors.

*“Resolved, That whoever is concerned, directly or indirectly, in using, or causing to be used, in any way or manner whatever, within this colony, unless authorized by the General Assembly thereof, those detestable papers called stamps, shall be deemed to all intents and purposes, an enemy to his country, and by the Sons of Liberty treated accordingly.”*<sup>1</sup>

These were but the echo of Mr. Henry's resolutions.

All classes united in resistance to the Act. On November 4, General Gage wrote from New York :

*“It is difficult to say, from the highest to the lowest, who has not been accessory to this insurrection, either by writing or mutual agreements to oppose the Act, by what they are pleased to term all legal opposition to it. Nothing effectual has been proposed either to prevent or quell the tumult. The rest of the provinces are in the same situation as to a positive refusal to take the stamps ; and threatening those who shall take them to plunder and murder them ; and this affair stands in all the provinces, that unless the Act from its own nature enforce itself, nothing but a very considerable military force can do it.”*

The Rev. James Maury, the defeated plaintiff in the Parsons' Cause, but now the ardent admirer of Mr. Henry's doctrine of liberty, wrote December 31, 1765, to Mr. John Fountaine of London :<sup>2</sup>

*“But what has given a most general alarm to all the colonists on this continent, and most of those in*

<sup>1</sup> Virginia Historical Register, vi., 212.

<sup>2</sup> History of a Huguenot Family, 424.

the islands, and struck us with the most universal consternation that ever seized a people so widely diffused, is a late Act of the British Parliament, subjecting us to a heavy tax. . . . The execution of this Act was to have commenced on the first of the last month all over British America, but hath been, with unprecedented unanimity, opposed and prevented by every province on the continent, and by all the islands, whence we have any advices from that date. For this 'tis probable some may brand us with the odious name of rebels, and others may applaud us for that generous love of liberty which we inherit from our forefathers."

Washington wrote, in 1767, to a correspondent in England:

"Had the Parliament of Great Britain resolved upon enforcing it, [the Stamp Act] the consequences, I conceive, would have been more direful than is generally apprehended, both to the mother country and to her colonies."<sup>1</sup>

The spirit of resistance displayed by the people was reflected in the assemblies which met during the fall. All of them followed the lead of Virginia, and adopted substantially her resolutions, sometimes using the same language. The invitation of Massachusetts to meet in a congress, at first coldly received, was now accepted, and every assembly having an opportunity sent delegates. When the body met, instead of confining themselves to their call for a "dutiful, loyal, and humble representation of their

<sup>1</sup> For the violent proceedings in the several colonies see *The Birth of the Republic*, 16-67.

condition to his Majesty and to Parliament, and to implore relief," they commenced by declaring, "the rights and grievances of the colonies," in which they reiterated the ground taken in the Virginia resolutions, and claimed that the Stamp Act, and the act extending the jurisdiction of admiralty courts in which the right to a trial by jury was denied, "have a manifest tendency to subvert the rights and liberties of the colonists." The same high ground was taken in the addresses they sent to the King and Parliament, and so strongly were they expressed that Mr. Ruggles declined to sign them, and Mr. Otis hesitated to do so, but was induced to affix his name by Thomas Lynch of the South Carolina delegation.<sup>1</sup>

The persons who watched events for the information of the Government, all united in ascribing to the Virginia resolutions the determined opposition to the execution of the Stamp Act which was thus manifested.<sup>2</sup> John Hughes wrote from Pennsylvania, "the fire began in Virginia." Governor Bernard wrote from Massachusetts :

"Two or three months ago I thought that this people would submit to the Stamp Act. Murmurs were indeed continually heard, but they seemed to be such as would die away. The publishing the Virginia resolutions proved an alarm-bell to the disaffected."

General Gage, commanding the British forces, wrote from New York<sup>3</sup> to Secretary Conway,

<sup>1</sup> Gordon, i., 121.

<sup>2</sup> Bancroft, v., 278, and Gordon, i., 137.

<sup>3</sup> Gage to Conway, September 28, 1765.

September 23, 1765, in a letter laid before Parliament:

"The resolves of the assembly of Virginia, which you will have seen, gave the signal for a general out-cry over the continent, and though I do not find that the assemblies of any other province have come to resolutions of the same tendency, they have been applauded as the protectors and assertors of American liberty; and all persons excited and encouraged by writings in the public papers, and speeches, without any reserve, to oppose the execution of the Act."

Burke, in his great speech on American taxation, delivered in the House of Commons April 19, 1774, declared, "on the information received from the several governors," that the Virginia resolutions were the cause of the insurrections in Massachusetts and the other colonies.

No less distinct was the testimony of the patriots in America. Mr. Jefferson stated to Mr. Wirt, that "Mr. Henry certainly gave the first impulse to the ball of the revolution." Edmund Randolph in his history says: "On May 29, 1765, Mr. Henry plucked the veil from the shrine of parliamentary omnipotence." John Adams wrote to Mr. Henry, June 3, 1776,<sup>1</sup> in reference to his part in framing the constitution for the State of Virginia: "I know of none so competent to the task as the author of the first Virginia resolutions against the Stamp Act, who will have the glory with posterity of beginning and concluding this great revolution." And the able writer, Jonathan Sewall (or Daniel Leonard), who, over the

<sup>1</sup> *Life and Works of John Adams*, vol. ix., p. 386.

signature of "Massachusettensis," engaged John Adams in a political controversy in 1774, wrote:<sup>1</sup>

"Some months after it was known that the Stamp Act was passed, some resolves of the House of Burgesses in Virginia, denying the right of parliament to tax the colonies, made their appearance. We read them with wonder; they savored of independence; they flattered the human passions; the reasoning was specious; we wished it conclusive. The transition to believing it so was easy, and we, almost all America, followed their example in resolving that the parliament had no such right. It now became unpopular to suggest the contrary, his life would be in danger that asserted it. The newspapers were open to but one side of the question; and the inflammatory pieces that issued weekly from the press, worked up the populace to a fit temper to commit the outrages that ensued."

America was filled with Mr. Henry's fame, and he was recognized on both sides of the Atlantic as the man who rang the alarm bell which had aroused the continent. His wonderful powers of oratory engaged the attention and excited the admiration of men, and the more so as they were not considered the result of laborious training, but as the direct gift of Heaven. Long before the British poet applied the description to him, he was recognized as

—the forest-born Demosthenes  
Whose thunder shook the Philip of the seas.<sup>2</sup>

And such was his fame, that, in the estimation of John Adams, to enjoy his friendship was a badge of distinction. He notes in his diary, July 22, 1770,

<sup>1</sup> See extracts in *Life and Works of John Adams*, iv., 50.

<sup>2</sup> Byron's, *The Age of Bronze*.



meeting Colonel Severn Eyre, "an intimate friend of Mr. Patrick Henry, the first mover of the Virginia resolves in 1765."<sup>1</sup>

On the publication of Wirt's sketch of Henry Mr. Adams wrote to the author, contesting the statement that Mr. Henry brought on the American Revolution by his resolutions of May 29, 1765, and claiming that James Otis was entitled to that honor, in his speech in 1761, resisting writs of assistance. Mr. Adams reiterated this claim in communications to others, and in describing the speech of Otis as "a flame of fire," said, "The child Independence was then and there born. Every man of an immense crowded audience appeared to me to go away as I did, ready to take up arms against writs of assistance." This claim is effectually disposed of by Wells, in his life of Samuel Adams,<sup>2</sup> who states with great accuracy that "the argument of Otis was not the prologue of the great drama, for it did not then begin. The American Revolution was caused by, and opened with, the revenue acts. The direct issue in that struggle, was the raising of a revenue from the colonies without their consent, and without their being represented in Parliament. Independence was gained in consequence of the assertion of the right of unconditional taxation by Parliament, whence grew in regular sequence every phase, in the ten years of controversy with the royal governors preceding the war. It was not till 1765 that the Stamp Act passed and received the royal assent, and the Revolution was born with the popular resistance to that measure and the Acts of 1763." This would have been a complete answer

<sup>1</sup> *Life and Works of John Adams*, II., 249.

<sup>2</sup> Vol. I., 44.

to Mr. Adams, had he not answered himself in his letter to Mr. Henry of June 3, 1776. But Mr. Wells, after disposing of Mr. Otis's claim, prefers one for Samuel Adams,<sup>1</sup> who drew the Boston instructions of May 24, 1764, remonstrating against the proposal to pass a stamp act, and advising a united protest against it; which the author claims was, "the first public denial of the right of the British Parliament to tax the colonists without their consent, and the first suggestion of a union of the colonies for redress of grievances."<sup>2</sup>

Far be it from the writer to detract from the just meed of praise due to James Otis or Samuel Adams, whose great services entitle them to lasting honors, by all who value the principles of the American Revolution. Undoubtedly the speech of Otis in 1761, and the instructions to the Boston delegates drawn by Adams in 1764, had much to do with preparing the public mind for the resistance to the execution of the Stamp Act which broke out in 1765. But the same may be said of all the public discussions, written and oral, which took place in the colonies prior to 1765, in which the rights of the colonies were maintained. The resolutions of the assemblies in 1764, and 1765, set forth, that the sole right to tax themselves had been constantly claimed by the colonies, and had been admitted by Great Britain. Mr. Adams himself, in a reply to the Governor's speech to the Massachusetts Assembly, drawn in October, 1765, uses this language: "The right of the colonies to make their own laws and tax themselves has been never, that we know of, questioned; but has been constantly recognized

<sup>1</sup> Wells's *Life of Samuel Adams*, i., 145.

<sup>2</sup> *Id.*, 48.

by the King and Parliament.”<sup>1</sup> We have seen the action of the Virginia Assembly in 1624. In 1645<sup>2</sup> it solemnly “enacted and confirmed that no levies be raised within the Collony, but by a Generall Grand Assembly.” And in the articles of surrender to the forces of Cromwell, in 1651, it was provided: “That Virginia shall be free from all taxes, customs and impositions whatsoever, and none to be imposed on them without the consent of the General Assembly. And so that neither fortes nor castles be erected, or garrisons maintained without their consent.”<sup>3</sup>

As to the idea of union, for protection, the Colonies had long been familiar with it.<sup>4</sup> It had been particularly recommended by the Albany Convention in 1754, and though not seen to be necessary then, was at once recognized as necessary when the mother country developed her system of taxation.

The claim of Mr. Adams’s biographer cannot therefore be sustained in either particular; and to contest the claim put up for, and by, Mr. Henry, on such grounds, is to show a misapprehension of what that claim is. As stated by Mr. Henry it is, that the passage by the Virginia House of Burgesses of his resolutions of May 29, 1765, formed the first opposition to the Stamp Act after its passage; and by their popular effect, the great point of resistance to British taxation was universally established in the Colonies, and the Revolutionary War was thus brought on. All that had been done concerning the Stamp Act before their passage, had been by

<sup>1</sup> Wells’s *Life of Samuel Adams*, 78.

<sup>2</sup> *Id.*, 364.

<sup>3</sup> Hening, vol. i., 320.

<sup>4</sup> *Rise of the Republic*, 28-9.

way of protest against an act proposed; what these resolutions accomplished, was resistance to an act passed. The first was mere protest against proposed action, the last rebellion against action had. It is plain, from the entry on the journal of the House, that the object of the House was to inaugurate opposition to the enforcement of the Act. The House was asked to go into committee of the whole, "to consider the steps necessary to be taken in consequence of the resolutions of the House of Commons of Great Britain, relative to the charging certain stamp duties in the Colonies and Plantations in America." The committee, by reporting the resolutions agreed to, showed that they considered them as the proper answer to the House of Commons, and the reiteration of the principles contained in the five resolutions reported, was a bold defiance of Parliament. That they were so considered, is the only explanation of the violent opposition they met with, in and out of the House. Governor Fauquier styles them, "this rash heat," and justifies his dissolution of the Assembly by giving the passage of the four, found on the journal, as the reason of his conduct. Secretary Conway, in his reply to Governor Fauquier, September 14, 1765,<sup>1</sup> says: "The Ministry persuade themselves, that when a full assembly shall calmly and maturely deliberate on these resolutions, they will see, and be themselves alarmed, at the dangerous tendency and mischievous consequences which they might be productive of, both to the mother country and to the colonies;" thus showing that the Ministry considered them

<sup>1</sup> See letter in note to Everett's *Life of Henry*, in Sparks's *American Biography*, 393.

treasonable. But the most overwhelming proof of the assertion of Mr. Henry as to the effect of his resolutions, is to be found in the unanimous contemporary evidence, establishing the fact that their publication caused the resistance to the execution of the Stamp Act, which was the opening scene in the drama of the Revolution.

## CHAPTER V.

### PRACTICE IN THE GENERAL COURT.—1766-1773.

Change in the British Ministry.—Repeal of the Stamp Act with Claim of Power in Parliament over Colonies.—Joy in England and America.—The New Assembly.—Division of Office of Speaker and Treasurer.—Friendship of Richard Henry Lee and Mr. Henry.—Acts for Additional Taxation on Importation of Slaves, and for Relieving Quakers from Military Service.—Fragment of a Paper by Mr. Henry.—Persecution of Baptist Ministers.—Mr. Henry Enlists in their Defence.—His Success at the Bar.—Practises in the General Court.—His Power over Juries.—Description of Him as He Appeared in the General Court, Given by Judge St. George Tucker.

WHEN America was aroused to the point of resistance to the Stamp Act, intelligence was received of a change in the Ministry which greatly strengthened the patriot party in their determination. The Duke of Cumberland, the stern conqueror on the field of Culloden, became Prime Minister, and they could have nothing to hope for from him indeed; but their defender on the floor of Parliament, General Conway, was the new Secretary for the Colonies, and through him they trusted Parliament would be induced to repeal the 'Act. On the night before the Act was to take effect the Duke died suddenly, and this left the Ministry unsettled in their policy as regards the serious disturbances reported in all the colonies. Parliament was called together to consult as to the measures to be adopted. Papers were laid before the body showing the condition of

the colonies, and among them the Virginia resolutions as the exciting cause of the disturbances. The merchants of London trading to North America represented that the Stamp Act had greatly injured their trade, and prayed for relief. Witnesses were examined, and among the number Dr. Franklin. In the House of Commons, Pitt urged a repeal of the Act in one of the most brilliant of his displays, in which he denied the right of Parliament to tax America, ridiculed the idea of her representation in Parliament, and exclaimed, "I rejoice that America has resisted. Three millions of people so dead to all the feeling of liberty as voluntarily to submit to be slaves, would have been fit instruments to make slaves of the rest."

In the House of Lords, Lord Camden maintained the cause of the colonies with great power. He said :

"My position is this—I repeat it, I will maintain it to my last hour—taxation and representation are inseparable ; this position is founded on the laws of nature ; it is more, it is itself an eternal law of nature ; for whatever is a man's own is absolutely his own ; no man hath a right to take it from him without his consent, either expressed by himself or representative ; whoever attempts to do it attempts an injury ; whoever does it commits a robbery ; he throws down and destroys the distinction between liberty and slavery. Taxation and representation are co-eval with, and essential to, this constitution."

With such champions as these the repeal of the Act was carried, but their bold utterances determined a majority to put the repeal on the ground of expediency, and to declare explicitly that the

King and Parliament, "had, hath, and of right ought to have, full power and authority to make laws and statutes, of sufficient force and validity to bind the colonies and people of America, subjects of the Crown of Great Britain, in all cases whatever."

Mr. Henry had very quietly returned to his home and his profession, after a ten days' service in the Assembly, which in its far-reaching results was incalculable. He had raised the standard of resistance to British power exercised for the destruction of American rights, and he saw the thirteen colonies rally around it. He was soon to realize that he had given the initial impulse to the American Revolution, the great event of the eighteenth century.

The feelings with which he had made this bold stand for the liberties of America may be learned in his own words, as reported by his friend Judge Tyler to Mr. Wirt.<sup>1</sup> Judge Tyler wrote:

"In a conversation with him once at his own house, upon his first essay into the political world, I asked him how he ventured to lift his voice against so terrible a junto as that he had to oppose, when he first stirred the country to assert its political rights. His reply was, that he was convinced of the rectitude of the cause and his own views, and that although he well knew that many a just cause had been lost, and for wise purposes Providence might not interfere for its safety, yet he was well acquainted with the great extent of our back country, which would always afford him a safe retreat from tyranny, but he was always satisfied that a united sentiment and sound patriotism, would carry us safely to the wished for port, and if the

<sup>1</sup> MS. Letter.



people would not die or be free, it was of no consequence what sort of government they lived under."

The repeal of the Stamp Act was signed by the King, March 18, 1766, and caused a burst of joy in England. The ships in the Thames displayed their colors, and the streets of London were illuminated; the King was cheered by the multitude, and Pitt received an ovation. In America the whole continent exhibited one continued scene of joy and gratitude. Loyal addresses were voted by the Assemblies, expressing dependence on the Crown, reverence for Parliament, and devotion to the constitution. The Sons of Liberty dissolved their association, and the people anticipated the continuance of a happy and prosperous union with England. Some of the more thoughtful saw, in the reiterated claim of Parliament to unlimited power over the colonies, the fountain of future trouble; but the masses believed it to be a mere political abstraction, which would never again become a practical question.

In Virginia the joy of the people was overflowing. In Norfolk and Williamsburg there were balls and illuminations, and everywhere the people exhibited their delight at their happy deliverance.

The new Assembly met November 6, and was composed of the most ardent of the patriots. The old members who had supported Mr. Henry's resolutions were returned, when willing to serve, and those who had opposed them had fallen into the popular current, or lost their seats. John Robinson having died, Peyton Randolph was elected Speaker, and expected to fill the office of Treasurer

as well, which had been temporarily filled by Robert Carter Nicholas, the appointee of the Governor.

Upon the assembling of the House a bill was introduced and passed for erecting a statue to the King, and an obelisk to commemorate the worthy patriots who had contributed to the repeal of the Stamp Act. A new county, set off from Halifax, was named Pittsylvania, in honor of Pitt, and its parish in honor of Camden. The addresses voted to the King and Parliament were not behind those of the other colonies, in expressions of loyalty and attachment.

An investigation of the accounts of the old Speaker was ordered, which revealed a large deficit caused by loans to his friends, which was afterwards replaced by the sale of his large estate. Richard Henry Lee brought forward a bill for the division of the offices of Speaker and Treasurer, which caused a warm and bitter contest. The friends of the Speaker, led by Edmund Pendleton, stoutly opposed it, and Mr. Henry warmly supported it. The bill was passed, and a salary was affixed to the office of Speaker to maintain its dignity. The result greatly aided the patriot cause in after years, as it made the Speaker more the servant of the House. The animosities engendered in the contest, however, lasted for years, and were shown in the conduct of the defeated party toward both Lee and Henry on more than one occasion. While some others looked on him with jealous eyes, Mr. Henry gained the ardent and lasting friendship of Lee. They were now for the first time brought together, and mutual admiration, and coincidence of views on public questions, soon made them bosom friends.

The Assembly passed two acts worthy of note, which, if not moved by Mr. Henry, certainly gave expression to his views. One was laying an additional tax on the importation of slaves; and the other for the exemption of Quakers from military service, a step in the direction of religious toleration.

The views of Mr. Henry on the important questions of religious liberty, slavery, and home manufactures, are indicated by a fragment of a manuscript in his handwriting found with his papers, which was evidently prepared about this time. This, the earliest production of his pen remaining, completely refutes the statement of Mr. Jefferson to Mr. Webster, that Mr. Henry "could not write."<sup>1</sup> It is as follows:

"Reprehension seldom is the duty of a minister. A good life is the best lecture. But if it happens that a life is so wicked as to become notoriously offensive, (in which case only a minister is supposed to make personal application,) such a man ceases to be popular. For I dare affirm, that vice never in any country was held in reverence for its own sake, and so far as a man is openly wicked, he is unpopular. If it should be that a dependent minister, having incurred the displeasure of a powerful person, and for doing his duty, should raise such an opposition as he could not be able to resist, the unprejudiced everywhere would revere him as a victim to wicked intrigues, and heap their deserved benefactions upon him. But I have proved above that the toleration proposed is the surest method to give us a virtuous clergy. It is the business of a virtuous clergyman to censure vice in every appearance of

<sup>1</sup> Curtis's Life of Webster, i., Appendix.

it. Therefore under a general toleration this duty will be commonly attended to.

“Will anyone censure me as an innovator? I care not. 'Tis prudent to adopt the policy of other countrys, when experience shows it to be wiser than our own in anything. Most nations have learned from abroad those sciences and arts that embellish and sweeten human life. This is the greatest advantage arising from a social intercourse among nations, and keeps the civilized world cemented together like one great family. The example of the Northern Colonys is striking. England received the manufactures of wool, glasses, paper, hats, etc., from Flemish and French workmen, invited there under the direction of its wisest sovereigns. The English ship-builders are allured to the neighboring states by the greatest rewards. The best policyed countrys borrow improvements in the art of war from their neighbors, and under foreign generals have been led to victory and conquest. The period in which the present settlement of religion was made here, does no great honor to the English nation. Colonys on the continent have experienced a more enlarged system; and their growth and real prosperity, are the just encomiums of that policy from which those countrys received their happy constitutions.

“I cannot do justice to a subject so copious and important in a few pages. I abridge everything. Much learning hath been displayed to show the necessity of establishing one church in England in the present form. But these reasonings do not reach the case of this colony; and granting they did, perhaps I could not answer them, as I have neither leisure nor ability to write a volume on the subject.

“It is out of my province to attempt a reformation in the church; nor should I have meddled with

it, but I see clearly the evils we feel can only be redressed by the proposed alteration. The disadvantage from the great number of slaves may perhaps wear off, when the present stock and their descendants are scattered through the immense deserts in the West. To re-export them is now impracticable, and sorry I am for it.

"If anyone doubts the truths asserted here, I beseech him to reflect wherefore is it, that a country, I say the happiest for situation on the continent, blest with a soil producing not only the necessaries but the luxuries of life; full of rivers, havens and inlets, that invite the visits of commerce for the products of industry; and bordered with extended plains, that instead of lonely scattered huts, might be covered with magnificent cities; wherefore is it that a country producing the choicest grain, stock, wool, fish, hemp, flax, metals of the North, together with the corn, pulp, rice, wine, fruits and most of those delicacies found in southern climes, should want the common conveniences, the necessities of life. I will not enumerate the good things our country may produce. Let me ask what it will not produce? The truth is anything but inhabitants sensible of its value.

"How comes it that the lands in Pennsylvania are five times the value of ours? Pennsylvania is the country of the most extensive privileges with few slaves. A Dutch, Irish, or Scotch emigrant finds there his religion, his priest, his language, his manners, and everything, but that poverty and oppression he left at home. Take an instance nearer to us. The country beyond the mountains is settled on a plan of economy very different from ours. Europeans, instead of Africans, till the lands, and manufacture. The tax to the established Church is scarcely felt. The people brought their priests with them. The lands in some parts there are

almost as dear as at Williamsburgh, and notwithstanding the many disadvantages arising from situation, they are the most flourishing parts of Virginia, and this in a few years. Manufacturers have<sup>1</sup> them. By this means they have<sup>1</sup> the money<sup>1</sup> produced.

"I agree entirely with those who insist on the necessity of home manufactures. We differ in the means of procuring them. To what purpose do we offer premiums, when experience tells us no one will obtain them? Common sense informs us that the first thing to be thought of is manufacturers. The present inhabitants of the colony must manufacture under great disadvantage, for the countrys with whom we are connected send continual supplies to our doors, offering to take in Barter those commodities, the culture of which we understand. If attempts are made, we find the many difficulties attending them too great to be conquered. It must ever be so till we have procured numbers of skilful artists. A planter willing to go upon the new plan, can't have spinners of wool and flax, a tanner, a shoemaker, a weaver, a fuller, etc., in his own family. He must travel continually great distances to find these several people, and when he hath found them, they are bunglers, and extravagant in their charges. He is rid of this trouble and perplexity by going to a store.

"But I need not say anything to prove the great utility of importing good artisans. A general toleration of Religion appears to me the best means of peopling our country, and enabling our people to procure those necessarys among themselves, the purchase of which from abroad has so nearly ruined a colony, enjoying, from nature and time, the means of becoming the most prosperous on the continent. Our country will be

<sup>1</sup> Obliterated in MS.

peopled. The question is, shall it be with Europeans or Africans? To do it with the latter will take many years; with the former 'tis quickly done. Is there a man so degenerate as to wish to see his country the gloomy retreat of slaves? No; while we may, let us people our lands with men who secure our internal peace, and make us respectable abroad; who will contribute<sup>1</sup> influence and stablish in posterity the benefit of the British Constitution.

"Tell me no more of ideal wealth. Away with the schemes of paper money and loan offices, calculated to feed extravagance, and revive expiring luxury.

"To many the observations above will seem of small weight. When I say that the article of religion is deemed a trifle by our people in the general, I assert a known truth. But when we suppose that the poorer sort of European emigrants set as light by it, we are greatly mistaken. The free exercise of religion hath stocked the Northern part of the continent with inhabitants; and altho' Europe hath in great measure adopted a more moderate policy, yet the profession of Protestantism is extremely inconvenient in many places there. A Calvinist, a Lutheran, or Quaker, who hath felt these inconveniences in Europe, sails not to Virginia, where they are felt perhaps in a (greater degree)."

This paper shows not only that Mr. Henry could write, but that he entertained the views of a profound statesman as to the duty of his fellow-citizens in shaping the destinies of the colony.

Pleasing evidence of his liberal views is found in the diary of Rachel Wilson, a Quakeress, and the

<sup>1</sup> Obliterated in MS.

grandmother of the celebrated John Bright, who made a tour in Virginia in 1769. She wrote at Williamsburg, March 31: "We returned that night to Francis Clark's. Called by the way to see one of the Assemblymen, who was a man of great moderation, and had appeared in Friends' favour; his name was Patrick Henry. He received us with great civility, and made some sensible remarks. We had an open time in the family."

Mr. Henry found abundant opposition, however, among the old leaders to his views on religious liberty. Among the Dissenters who appeared in the colony the Baptists commenced to attract attention at this period. Their great earnestness and zeal in proclaiming the gospel as they understood it, excited the bitter hostility of many of the Established Church, and in the year 1768 a regular persecution was commenced in some of the counties against them, by arresting their preachers, as disturbers of the peace who refused to submit to the requirements of the Toleration Act. Edmund Pendleton and Archibald Cary, in their respective counties, were active in this movement.

Semple, who knew personally some of the ministers who thus suffered imprisonment, has recorded the obligations of his denomination to Mr. Henry in their day of trial. He relates, in his "History of the Baptists in Virginia," their attempts to obtain liberty of speech at the hands of the magistrates, and adds:<sup>1</sup>

"It was in making these attempts that they were so fortunate as to interest in their behalf the cele-

<sup>1</sup> P. 24.



brated Patrick Henry ; being always a friend of liberty, he only needed to be informed of their oppression ; without hesitation he stepped forward to their relief. From that time, until the day of their complete emancipation from the shackles of tyranny, the Baptist found in Patrick Henry an unwavering friend. May his name descend to posterity with unsullied honor !”

A characteristic incident of the times, and of Mr. Henry, was preserved and related by Rev. John Weatherford, one of the Baptist ministers. He was imprisoned for five months in the jail of Chesterfield,<sup>1</sup> of which county Colonel Archibald Cary was the presiding magistrate, on the charge of creating a disturbance by preaching. By the aid of Mr. Henry he obtained an order of liberation. But the jailer refused to release him until the jail fees were paid, which from the length of his imprisonment were a considerable sum, much larger than the poor minister could pay. He was therefore forced to remain in prison. Not long afterward he was informed that some one, whose name was concealed, had paid the charges, and he was set at liberty. With a thankful heart he walked out of the prison. More than twenty years afterward, upon the removal of Mr. Henry to Charlotte County, he became a neighbor of Mr. Weatherford, who was then the pastor of a church near by, and in recounting their early experiences in the struggles for civil and religious liberty Mr. Weatherford learned for the first time, that Mr. Henry had paid for him the fees demanded by the

<sup>1</sup> Taylor's Baptist Ministers. First Series.

Chesterfield jailer.<sup>1</sup> It need hardly be added, as stated by his biographer, that he never spoke of Mr. Henry but with a glow of affection.

Rev. John Waller, with other Baptist ministers, were imprisoned in Caroline County for preaching, as we are told by Semple; and it was doubtless in reference to them that the following statement was made by Judge Spencer Roane, in his letter to Mr. Wirt, in which he said: "Mr. Pendleton, on the bench of Caroline court, justified the imprisonment of several Baptist preachers, who were defended by Mr. Henry, on the heinous charge of worshipping God according to the dictates of their own consciences." <sup>2</sup>

Mr. Waller, Lewis Craig, and James Childs were subjected to the first of these imprisonments in Spottsylvania County in 1768, and it is quite certain that Mr. Henry appeared there in their defence, but the speech attributed to him on the occasion was made up in after years from doubtful traditions.<sup>3</sup>

By the unerring record of his fee books we are able to mark Mr. Henry's success and industry as a lawyer. In 1764 he charged five hundred and fifty-five fees; in 1765, five hundred and fifty-seven; in 1766, when the colony was under great political excitement, his fees fell off to one hundred and fourteen; in 1767 they reached five hundred and fifty-four, and then the renewal of the trouble with

<sup>1</sup> This incident was related by Mr. Weatherford to Colonel James P. Marshall, of Charlotte, the father-in-law of the author. Colonel Marshall died in December, 1883, at the age of ninety-two.

<sup>2</sup> MS.

<sup>3</sup> Foote: *Sketches of Virginia*, 317. This matter is discussed in "The Religious Herald" of Richmond, Va., February 23, 1871.

England reduced his business, until finally, in 1774, the courts were closed. Thus he charged in 1769 one hundred and thirty-two fees; in 1770, ninety-four; in 1771, one hundred and two; in 1772, forty-three; in 1773, seven; and in 1774, none. The fees in criminal cases are not noted on these books, and were additional. The fees charged were the moderate ones of that period, and after allowing for the greater value of money, it is still obvious that it required great economy and good management to provide comfortably for his growing family. This he did, and in addition was able to lay the foundation of a comfortable estate. Such a practice demonstrates his industry, business capacity, and legal acquirement.

In 1764 he commenced to loan money to his father, and in 1767 to his father-in-law. With the loans to his father he bought the "Roundabout" tract in Louisa, and with the loans to Mr. Shelton he bought 3,335 acres of western lands.

The following memorandum found on Mr. Henry's fee book, opposite to his account of charges against Mr. John Shelton, is of interest:

"N. B.—Three tracts of Jno. Shelton's land included in his mortgage to me were given up to me by a writing recorded in Augusta court, whereby he released his equity of redemption in 1,400 acres on Mockison Creek, 940 on Holson river, and 995 on Holson river, and the other three tracts I am willing to release to him. At first J. Shelton employed me to sell the whole for him in the spring of 1766, when I advertised it at several public places in Staunton, & got Capt. Wm. Fleming's assistance in the sale, as he lived toward that

quarter. The utmost that was offered for the whole was £9 or £10 per hundred for that tract by Davis's. So it continued, and would not sell tolerably till 1768. Mr. Shelton being greatly distressed for money by Jos. Crenshaw, and many others, and his estate like to be seized and sold for a trifle, I resolved to advance some money, as charged here for him, and to purchase 3,335 acres of it. The land was long since lost for nonpayment of quitrents, and except one tract of it, had not been seen since it was surveyed (*viz.*, about 20 years). I made a journey thither in company with Wm. Henry, Wm. Christian, &c. &c., to search for it, but could find one tract only. The land & negroes that Mr. Shelton obliged himself to give me on marriage, were 10 negroes, & 400 acres land joining him in Hanover. He gave me only six negroes, and 300 acres of land. The deficiency will greatly overbalance any claim against me. The said land and all the country adjacent was allotted to the Indians by a treaty, and a line agreed upon from Chiswell's mines to the mouth of New River, which would have cut off the said lands on Holson and Clinch, and under that risque I purchased it, hoping that line would be altered. After many contests and much altercation with the Indians, our own people, government here, and administration at home, an extension of territory was purchased from the Indians, and the lands above were taken into this Colony, except part of one tract which the line split."

Among the debits on the account with Mr. Shelton is the following: "1764. To 1 tract of land in Hanover co'ty called Piney Slash, sold £350," which shows that he sold his Hanover tract to raise part of the money furnished Mr. Shelton. William Henry, mentioned in the above, was his

brother, and William Christian was his brother-in-law. The latter was the son of Israel Christian, a merchant in Staunton, and a client of Mr. Henry. Before he was twenty years of age, William Christian had risen to the rank of captain in the Second Virginia Regiment, commanded by Col. William Byrd during the French war. Some years after its close, probably about the year 1767, he had entered the office of Mr. Henry as a law student.<sup>1</sup> Here he greatly endeared himself to him by his manly character and fine sense. But he not only won the lasting regard of his instructor, he also won the affections of Mr. Henry's favorite sister, Anne, as the following extract of a letter from Colonel John Henry to his father relates:

“HANOVER, JAN'Y 12th, 1768.”<sup>2</sup>

“Your son has for some time been making his addresses to one of my daughters. I find the match is as good as concluded. It seems to depend chiefly on you—for as I can at present do nothing worth mentioning, and he has not much in possession. I should be pleased to know what you can do for him. At my wife's death, and mine, there will be some considerable estate to be divided among my daughters; but it is of such a nature that it must be kept together for our support. My wife joins with me in our kind complem<sup>ts</sup> to you & Mrs. Christian. I am,

“Sir,

“Your most h'ble servant,

“JOHN HENRY.

“TO ISAAC CHRISTIAN, ESQ.”

<sup>1</sup> Life and Times of Caleb Wallace, 74.

<sup>2</sup> In the copy of the letter sent me the date is 1738. But this is clearly a mistake, and the date is doubtless as above.

Colonel John Henry was at this time engaged in preparing a map of Virginia, which he published in London in 1770 at considerable cost.<sup>1</sup> He applied to the Assembly of his State more than once for aid in his enterprise, but failed to obtain it, and finally sold his rights in the publication to his son Patrick, on May 19, 1770. He also conducted a classical school in his house, by which he aided in the support of his family.

In the year 1765 Mr. Henry moved to his place in Louisa County, where he resided till the year 1768, when he returned to Hanover.

Having met on the floor of the Assembly some of the ablest lawyers in the colony, and found himself more than a match for them in debate, he was brought into contact with all the leaders of the profession in the year 1769, by coming to the bar of the General Court. Here he met Mr. Pendleton, John Randolph, the Attorney-General, Mr. Wythe, Mr. Nicholas, Mr. Mercer, Mr. Jefferson, and Mr. Thompson Mason. All were men of eminence in their profession. In describing him at this period, Judge Edmund Winston, who read law with him, says in his letter to Mr. Wirt: "It will perhaps be admitted that in reasoning on general principles he did not lose in comparison with any man, and I never heard that he betrayed a want of legal knowledge. It will naturally be asked, How was this possible? To which I can only answer, that without much labor he acquired that information which in the case of other men is the result of painful research." And Judge Spencer Roane, his son-in-law,

<sup>1</sup> A copy of this map was in existence in Warrenton, Va., when Charles Campbell wrote his History of Virginia. See p. 531.

noted the passage with the following words: "I believe this to have been entirely the case." Judge Winston adds: "I have been told in Mr. Henry's family, that he employed a considerable part of his time in reading; his library, however, except his law books, seems not to have been very well chosen, and it is, I believe, impossible to point out by what course of study he attained that intellectual excellence which he certainly possessed." Judge Roane says of his library later in life, "It consisted sometimes of odd volumes,<sup>1</sup> etc., but of good books." And the catalogue of his books given in by his executors proves this to be true. Mr. Henry seems to have followed, as regards books, the maxim, *non multa sed multum*.

After coming to the bar of the General Court, he added to his reputation as a lawyer by his appearance, in a case in Admiralty, as counsel for the captain of a Spanish vessel which, with its cargo, had been libelled under the oppressive Navigation Act. After the trial, William Nelson, one of the Court, declared that he had never heard a more eloquent or argumentative speech than Mr. Henry's; that he considered him greatly superior to Mr. Pendleton, Mr. Mason, or any other counsel who argued the cause, and that he was astonished to find him so thoroughly familiar with maritime law, to which he believed he had never paid any attention before.<sup>2</sup>

His attainments and fidelity as a lawyer received the highest testimonial in 1773, when Mr. Robert Carter Nicholas, who had enjoyed the first practice at the bar, and whose engagements as treasurer

<sup>1</sup> Doubtless the result of frequent changes of residence.

<sup>2</sup> MS. Statement of Captain George Dabney to Mr. Wirt.

forced him to relinquish it, committed his unfinished business to Mr. Henry by a public advertisement.

But while Mr. Henry had advanced to the foremost rank in his profession when he became a practitioner in the General Court, the evidence of his contemporaries is that he was most distinguished, and therefore most sought after, in jury trials. His power over juries was something wonderful, and as a criminal lawyer he had no equal. Mr. Wirt has described his mode of defending criminals in language which will not be considered overdrawn, when we come to read the testimonies of eye-witnesses at a later period of his life.<sup>1</sup> He says, in summing up :

“In short, he understood the human character so perfectly ; knew so well all its strength and all its weakness, together with every path and by-way which winds around to the citadel of the best fortified heart and mind, that he never failed to take them, either by stratagem or storm. Hence he was, beyond doubt, the ablest defender of criminals in Virginia, and will probably never be equalled again.”

Mr. Henry's appearance and manner in the General Court were described by Judge St. George Tucker, who first saw him in 1772, in a letter to Mr. Wirt. Young Tucker was then between nineteen and twenty, and a student at the college in Williamsburg. He says :

“The General Court met in April. Mr. Henry practised as a lawyer in it. I attended very fre-

<sup>1</sup> Wirt's Henry, 93-94.



quently ; generally sat near the clerk's table, directly opposite to the bar. I had now for the first time a near view of Mr. Henry's face. He wore a black suit of clothes and (as was the custom of the bar then) a tie-wig, such as Mr. Pendleton wore till his death. His appearance was greatly improved by these adventitious circumstances. His visage was long, thin, but not sharp, dark, without any appearance of blood in his cheeks, somewhat inclining to sallowness ; his profile was of the Roman cast, though his nose was rather long than high, his forehead high and straight, but forming a considerable angle with the nose ; his eyebrows dark, long, and full ; his eyes a dark gray, not large, penetrating, deep-set in his head ; his eyelashes long and black, which, with the color of his eyebrows, made his eyes appear almost black ; a superficial view would indeed make it be supposed they were perfectly black ; his nose was of the Roman stamp, as I have already said ; his cheekbones rather high, but not like a Scots-man's ; they were neither as large, as near the eyes, nor as far apart as is the natives' of Scotland ; his cheeks hollow ; his chin long but well-formed, and rounded at the end, so as to form a proper counterpart to the upper part of his face. I find it difficult to describe his mouth, in which there was nothing remarkable, except when about to express a modest dissent from some opinion upon which he was commenting ; he then had a half sort of smile, in which the *want of conviction* was, perhaps, more strongly expressed than that cynical or satirical emotion which probably prompted it. His manner and address to the court and jury might be deemed the excess of humility, diffidence, and modesty. If, as rarely happened, he had occasion to answer any remark from the bench, it was impossible for meekness herself to assume a manner less presumptuous ; but in the smile, of which I have

been speaking, you might anticipate the want of conviction expressed in his answers, at the moment that he submitted to the '*superior wisdom*' of the court, with a grace that would have done honour to the most polished courtier in Westminster Hall. In his reply to counsel, his remarks on the evidence, and on the conduct of the parties, he preserved the same distinguished deference and politeness, still accompanied by the never-failing index of this sceptical smile when the occasion prompted. His manner was solemn and impressive; his voice, neither remarkable for its pleasing tones, or the variety of its cadence, nor for harshness. If it was never melodious (as I rather think), it was never, however raised, harsh. It was clear, distinct, and capable of that emphasis which I incline to believe constituted one of the greatest charms in Mr. Henry's manner. His countenance was grave (even when clothed with the half smile I have mentioned), penetrating, and marked with the strong lineaments of deep reflection. When speaking in public, he never (even on occasions when he excited it in others) had anything like pleasantry in his countenance, his manner, or the tone of his voice. You would swear he had never uttered or laughed at a joke. In short, in debate either at the bar or elsewhere, his manner was so earnest and impressive, united with a contraction or knitting of his brows which appeared habitual, as to give to his countenance a severity sometimes bordering upon the appearance of anger or contempt suppressed, while his language and gesture exhibited nothing but what was perfectly decorous. He was emphatic, without vehemence or declamation; animated, but never boisterous; nervous, without recourse to intemperate language; and clear, though not always methodical."<sup>1</sup>

<sup>1</sup> MS. Letter to Mr. Wirt in 1806.

## CHAPTER VI.

### RENEWED TROUBLES WITH ENGLAND—1766-1773.

Determination of British Government to Exercise the Right of Taxation in the Colonies.—Billeting Bill, and Port Duties on Wine, Oil, etc.—Discussion of American Rights by Able Writers through the Press.—Letter of Massachusetts Assembly in 1768 to the Colonies on their Rights, drawn by Samuel Adams.—The Action of the Virginia Assembly.—Mr. Henry as a Leader.—Address of Parliament to King Concerning Trial of Americans in England.—Attempts to Separate other Colonies from Massachusetts.—Virginia Determines to Make Common Cause with Her.—Non-importation Agreement Entered into by Virginians and other Colonists.—Difficulties of the Ministry, and Determination to Repeal Duty Act, Except as to Tea.—Popularity of Lord Botetourt as Governor.—Indian Troubles.—Proposed Lines between the Whites and the Indians.—Agreement not to Use Tea, and Committees in Counties to Enforce Agreement.—Mr. Henry as a Committee Man.—Death of Lord Botetourt.—Lord Dunmore Succeeds Him as Governor.—New Assembly.—Protests against Slave Trade.—Mr. Henry on Slavery.

THE joy of the Colonies, at the repeal of the Stamp Act, was soon dampened, by the discovery of a persistent determination on the part of the British Government to exercise the contested right of taxation. The King soon repented of having signed the repealing Act, which he regarded as a fatal compliance with the popular demand, and he determined to uphold the claim of absolute authority over the colonies at all hazards. The intelligence of the repeal was accompanied with a direction to the Governors to recommend to the legislatures indemnity to all sufferers by the late riots. The leg-

islatures were also required to support the British soldiers which might be quartered in the several colonies, and as New York was their headquarters, the legislature of that colony was the first to feel the oppression of the Billeting Act.

These matters were irritating, but were managed with discretion by the assemblies, which based whatever action they took, not on the requirements of Parliament, but on their own right to grant what to them seemed best.

The Rockingham ministry ended its brief existence in July, 1766, and was succeeded by one formed by Pitt, in which he only reserved to himself the custody of the privy seal, being aware of the fact that his inveterate enemy, the gout, prevented his engaging in laborious duties. He was raised to the peerage with the title of Earl of Chatham, and exchanged his leadership in the House of Commons for a seat in the House of Lords. By December his health had become so shattered that he left London for Bath in a state of nervous prostration; and the affairs of America, during the existence of a ministry pledged to the liberal principles which caused the repeal of the Stamp Act, fell under the control of a member who was fully determined to maintain the principles of that Act. On January 26, 1767, Charles Townshend, Chancellor of the Exchequer, taking advantage of Chatham's absence, declared in the House, that he knew the mode by which a revenue might be drawn from America without offence. "I am still," he continued, "a firm advocate for the Stamp Act, for its principle and for the duty itself; only the heats which prevailed made it an improper time to pass it. I laugh at the absurd dis-

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tion between internal and external taxes. I know no such distinction. It is a distinction without a difference; it is perfect nonsense; if we have a right to impose the one, we have a right to impose the other; the distinction is ridiculous in the opinion of everybody, except the Americans." And looking up to the gallery where the colonial agents usually sat, he added, "I speak this aloud, that all you who are in the galleries may hear me; and after this, I do not expect to have my statue erected in America." Then laying his hand on the table in front of him, he added, "England is undone, if this taxation is given up."

Finding that his speech was received with general applause, Townshend was enabled to browbeat the members of the ministry in London. Chatham attempted to have him removed, but before accomplishing his purpose he was taken so ill that he was forced to withdraw from public business, and like the sick lion in the fable, to suffer in his retirement the insults of those who once trembled at the sound of his voice.

On May 13, 1767, Townshend proposed in the House, that the Assembly of New York be prohibited from further legislation until they had complied fully with the requirements of the Billeting Act; and that port duties, collectible in America, be laid on wine, oil, fruits, glass, paper, lead, colors, and tea. In the debates which followed, Thomas Pownall, who had been successively Governor of Massachusetts and South Carolina, and Edmund Burke, who had been a clerk in the Colonial Office, both fully conversant with the temper of the Colonies, warned the House that they would not

submit to be taxed by Parliament. But it was known that the King favored the measures, and it was deliberately determined to continue the contest until the authority of Parliament was firmly established, and the landed interest in England was in a measure relieved of the burden of taxation. Both measures were adopted. The Act imposing duties was to take effect November 20, 1767, and to be enforced by the King through a board of trade of his own appointment, who were to reside in the Colonies, and to act as he might direct. His commission armed this board with a power of search and seizure at their discretion, with authority to call upon the naval and military forces within the Colonies for aid, and with an exemption from prosecution or responsibility before any of the King's courts for whatever they might do by any construction of their commission. The tyranny of the two measures could hardly be surpassed.

The brilliant and erratic career of Townshend was cut short by death before the Duty Act took effect. Lord North succeeded him as Chancellor of the Exchequer, and the Earl of Hillsborough was made Secretary for the Colonies.

In the meantime, the people of America had become well informed as to the principles of the controversy with Great Britain. Able writers commanded public attention through the press, and discussed American rights from every conceivable point of view. Among these writers there should be mentioned Richard Bland, of Virginia, who published "An Inquiry into the Rights of the British Colonies" in 1766, pronounced by Mr. Jefferson to be the ablest discussion which appeared; Daniel Du-

lany, of Maryland, who published in October, 1765, "Considerations on the Propriety of Imposing Taxes on the British Colonies, etc.," a masterly performance; John Dickinson, of Pennsylvania, who in November, 1767, commenced the publication of a series of letters over the name of "A Farmer," in a Philadelphia paper, which were republished in the different colonies and in England, and rendered him deservedly famous; and Samuel Adams, of Massachusetts, whose able pen was never at rest during the whole revolutionary period.

The ground on which Mr. Henry had planted himself, that parliamentary taxation of the unrepresented Colonies was unconstitutional, and should be resisted, became the avowed doctrine of America. Henceforth there was no disagreement on the fundamental question among leaders; they differed only as to methods.

Having become thoroughly informed as to their rights, the Colonies were not to be deceived by the jugglery of the Duty Act. Although purporting to be a regulation of commerce, and not an internal tax, it was plainly intended to raise a revenue, and this was taxation. It was not the manner of taxation, but the right of taxation, that the Colonies contested, and they were as determined to resist this last, as they had been the first effort to impose it. The spirit aroused by the Virginia resolutions in 1765 still existed, and there was no hesitation now in giving expression to their determination.

The Assembly of Massachusetts met December 30, 1767, and its deliberations were guided by the clear intellect and firm purpose of Samuel Adams,

one among America's greatest men. He drew up for the Assembly a letter to their Agent, an address to the Ministry, and a petition to the King, clearly and ably presenting the rights of the Colonies and the oppression of the late Acts of Parliament, and asking for their repeal. He then drafted a circular letter to be sent to the other colonies, embodying the points presented in these papers, asking co-operation in the effort to obtain a repeal of the obnoxious Acts, and inviting them to point out anything further which might be thought necessary.

The Virginia Assembly had been prorogued from time to time since its session of November, 1766, till March 31, 1768, when it was called together to devise measures for the prevention of threatened troubles with the Indians. Governor Fauquier had died before the meeting, and John Blair, president of the Council, was temporarily performing the executive duties. Petitions were presented from the Counties of Amelia, Chesterfield, Dinwiddie, Henrico, Prince William, and Westmoreland, pointing out the tendencies, fatal to the liberties of a free people, of the late Acts of Parliament; and the circular letter of Massachusetts was also laid before the body. A petition to the King, a memorial to the House of Lords, and a remonstrance to the House of Commons, penned in a still bolder style than those from Massachusetts, were unanimously adopted, after careful consideration. They then replied to the Assembly of Massachusetts, applauding them for their attention to American liberty, and directed the speaker to communicate their proceedings to all the colonial Assemblies, and to urge the necessity



of a united, firm, but decent opposition to every measure affecting their rights.<sup>1</sup>

This action shows how thoroughly the spirit of resistance now pervaded the colony. Mr. Jefferson, looking back in after years, did not hesitate to attribute the unanimity in Virginia during the struggle on which she was now entered, to Mr. Henry, saying:<sup>2</sup> "It was to him that we were indebted for the unanimity that prevailed among us." As a leader of men in such a moment, Nature could hardly have formed a more admirable character. He had a wonderful knowledge of men, and an irresistible power over their passions. His foresight but seldom failed him, and men learned to regard him as almost inspired. His passion for liberty was a fierce flame, which not only filled his own bosom, but was communicated to the bodies in which he sat. He had the courage of his convictions, yet he was considerate of the opinions of others, and with great tact led, rather than drove, the actors in the Revolution. He was the idol of the people, and this added to his influence in the Assembly, and made it overwhelming.

The circular letter of Massachusetts was sent to the Ministry by Governor Bernard, with a statement that it was designed to pave the way for a confederacy, and calculated to inflame the continent. Lord Hillsborough laid it before a Cabinet meeting, April 15, and by them it was considered little better than an incentive to rebellion. The King was greatly offended by what he was pleased to consider a rebellious spirit, and it was determined,

<sup>1</sup> Journal of House.

<sup>2</sup> Interview with Daniel Webster. Curtis's Webster.

regardless of law, that two royal orders should be issued, one requiring the Assembly of Massachusetts to rescind their circular letter, and the other requiring the other Assemblies to treat it with contempt. Both orders were under pain of dissolution.

The Assembly of Massachusetts met in June, 1768, to find British ships in Boston harbor and a British regiment in the town, sent at the instance of Governor Bernard to overawe the people, whom he represented as in a riotous condition. The Assembly, however, was not intimidated, but by the decisive vote of ninety-two to seventeen refused to rescind its letter. In obedience to his orders, the Governor at once dissolved it.

The Assemblies of the other colonies, which met afterward, declined to treat the circular letters of Massachusetts and Virginia with contempt, but expressed their sympathy with them.

In this condition of affairs, Parliament met in November, 1768, and being determined to make an example of Massachusetts, an address was carried in both houses, asking the King to cause the principal actors in that province to be brought to England, and tried before a special commission, pursuant to an Act of 35th of Henry the Eighth, for trying persons for treasons committed beyond the borders of the kingdom. This act of one of the most tyrannical reigns had been passed before England had a colony, and had been long obsolete. The threatened enforcement of it now against the colonists, was an alarming advance in the course of senseless tyranny pursued toward them.

Having singled out Massachusetts for punishment, the Ministry attempted to separate the other colo-

nies from her by promises to repeal part of the Duty Act, and by such measures as it was believed would at least keep them quiet.

Norborne Berkeley, Baron de Botetourt, was appointed Governor of Virginia, and reached the Colony in November, 1768. He was an amiable and attractive man, and was selected with a view of winning the Colony from the American cause. Soon after his arrival, he made himself very popular by concurring with the Council in refusing to issue writs of assistance for the enforcement of the Revenue Act. A new Assembly was called by him to meet May 11, 1769. In his speech, he assured them of his Majesty's high regard for the Colony, which would be displayed in the future by the requirement that the Governor should reside within it, and not govern by a deputy, as had been so long the custom. He promised also to exert himself, at the risk of his life and fortune, to extend the jurisdiction of the Colony to the Tennessee River, on parallel  $36\frac{1}{2}^{\circ}$ . He let it be known that he wished the Assembly to pass no resolutions sustaining the cause of Massachusetts, and he persuaded himself, and so wrote to England, that the Assembly would come together in a good humor with the Ministry, which he would not wantonly disturb. He had not yet learned the temper of the Virginians.

The new Assembly was largely composed of men already eminent as patriots, and the advanced party was strengthened by the addition of Thomas Jefferson, for the first time a member of the body. Mr. Henry appeared as a delegate from Hanover, in which county he had again taken up his residence, and whose representative he continued to be so long

as the House of Burgesses continued in existence. His value as a working member was attested by his appointment on the committees of privileges and elections, of propositions and grievances, and for religion. Upon these and upon other standing committees he regularly served thereafter, and was always chairman of one of them whenever he was present at their appointment.

The House was not long detained from the consideration of the late proceedings in England, and the important question was at once presented, whether Virginia should make common cause with Massachusetts, or should wait for a direct attack upon herself before taking further action. It was a critical moment. Had Massachusetts been deserted, even the steady hand of Samuel Adams might not have been able to keep her in her course, for a desertion by Virginia would have caused most certainly a desertion by the other colonies, which looked for the action of Virginia with the greatest anxiety. In fact the desertion of Massachusetts now would have stranded the bark of the Revolution. John Dickinson, of Pennsylvania, in a letter to R. H. Lee, January 16, 1769, indicated the controlling position held by Virginia among the colonies. He said: "Virginia, sir, has maintained the common cause, with such attention, spirit, and temper as has gained her the highest degree of reputation among the other colonies. It is as much in her power to dishearten them, as to encourage them."<sup>1</sup>

After the Assembly had replied to the Governor's speech, the joint address of the Lords and Com-

<sup>1</sup> Life of R. H. Lee, I., 69.

mons to the King came to hand.<sup>1</sup> Had there been any hesitation before, it was now dispelled. The direct attack upon the rights of person and jury trial was more alarming than the former attacks upon rights of property, and the House of Burgesses did not hesitate for a moment as to their duty.

On May 16, the Committee of the Whole reported the following resolutions, which were at once adopted :

*"Resolved, nemine contradicente,* That the sole right of imposing taxes on the inhabitants of this his Majesty's colony and dominion of Virginia, is now, and ever has been, legally and constitutionally vested in the House of Burgesses, lawfully convened, according to the ancient and established practice, with the consent of the Council, and of his Majesty the King of Britain, or his Governor for the time being.

*"Resolved, nemine contradicente,* That it is the undoubted privilege of the inhabitants of this colony, to petition their sovereign for redress of grievances, and that it is lawful and expedient to procure the concurrence of his Majesty's other colonies, in dutiful addresses, praying the royal interposition in favor of the violated rights of America.

*"Resolved, nemine contradicente,* That all trials for treason, misprision of treason, or for any felony or crime whatsoever, committed or done in this his Majesty's said colony and dominion, by any person or persons residing therein, ought of right to be had and conducted in and before his Majesty's courts held within his said colony, according to the fixed and known course of proceeding; and that the seizing of any person or persons residing in this col-

<sup>1</sup> Letter of R. C. Nicholas to Arthur Lee, dated May 31, 1769, in "Southern Literary Messenger" for July, 1858.

ony, suspected of any crime whatsoever committed therein, and sending such person or persons to places beyond the sea to be tried, is highly derogatory of the rights of British subjects, as thereby the inestimable privilege of being tried by a jury from their vicinage, as well as the liberty of summoning and producing witnesses in such trial, will be taken away from the party accused.

“*Resolved, nemine contradicente*, That an humble, dutiful and loyal address, be presented to his Majesty, to assure him of our inviolable attachment to his sacred person and government, and to beseech his royal interposition, as the father of his people, however remote from the seat of his empire, to quiet the minds of his loyal subjects of this colony, and to avert from them those dangers and miseries which will ensue, from the seizing and carrying beyond sea any person residing in America suspected of any crime whatsoever, to be tried in any other manner than by the ancient and long established course of proceeding.”

It was also “ordered that the Speaker of this House do transmit, without delay, to the Speakers of the several Houses of Assembly on this continent, a copy of the resolutions now agreed to by this House, requesting their concurrence therein,” and also, “that the resolutions of the Lords, and the address of the Lords and Commons to the King, and the resolutions of this House reported and agreed to, be printed in the *Virginia Gazette*.”

A committee was appointed, composed of Mr. Blair, who had acted as chairman of the Committee of the Whole, R. H. Lee, Mr. Henry, Mr. Treasurer (R. C. Nicholas), Mr. Thomson Mason and Mr. Benjamin Harrison, to whom was entrusted the draw-

ing of the address to the King. On the next day they reported the following :

“ May it please your Majesty.

“ We your Majesty’s most loyal, dutiful, and affectionate subjects, the House of Burgesses of this your Majesty’s ancient colony of Virginia, now met in General Assembly, beg leave in the humblest manner to assure your Majesty, that your faithful subjects of this colony, ever distinguished by their loyalty, and firm attachment to your Majesty and your royal ancestors, far from countenancing traitors, treasons, or misprisions of treason, are ready at any time to sacrifice our lives and fortunes in defence of your Majesty’s sacred person and government.

“ It is with the deepest concern and most heartfelt grief, that your Majesty’s dutiful subjects of this colony find that their loyalty hath been traduced, and that those measures, which a just regard for the British Constitution (dearer to them than life) made necessary duties, have been misrepresented as rebellious attacks upon your Majesty’s Government.

“ When we consider that by the established laws and constitution of this colony, the most ample provision is made for apprehending and punishing all those who shall dare to engage in any treasonable practices against your Majesty, or disturb the tranquillity of Government, we cannot, without horror, think of the new, unusual, and permit us with all humility to add, unconstitutional and illegal mode, recommended to your Majesty, of seizing and carrying beyond sea the inhabitants of America suspected of crime; and trying such persons in any other manner than by the ancient and long-established course of proceeding. For, how truly deplorable must be the case of a wretched American, who having incurred the displeasure of any one in power, is

dragged from his native home, and dearest domestic connections, thrown into prison, not to await his trial before a court, jury, or judges, from a knowledge of whom he is encouraged to hope for speedy justice; but to exchange his imprisonment in his own country, for fetters among strangers, conveyed to a distance where no friend, no relation, will alleviate his distresses, or minister to his necessities, and where no witness can be found to testify to his innocence; shunned by the reputable and honest, and consigned to the society and converse of the wretched and the abandoned, he can only pray that he may soon end his misery with his life.

"Truly alarmed at the fatal tendency of these pernicious counsels, and with hearts filled with anguish, by such dangerous invasions of our dearest privileges, we presume to prostrate ourselves at the foot of your Royal throne, beseeching your Majesty, as our king and father, to avert from your faithful and loyal subjects of America those miseries which must necessarily be the consequence of such measures. After expressing our firm confidence in your Royal wisdom and goodness, permit us to assure your Majesty, that the most fervent prayers of your people of this colony are duly addressed to the Almighty, that your Majesty's reign may be long and prosperous over Great Britain, and all your dominions, and that, after death, your Majesty may taste the fullest fruition of eternal bliss, and that a descendant of your illustrious House, may reign over the extended British empire until time shall be no more."

This address was ordered to be sent to the agent to be presented to the King, and afterward printed in the English papers.

These proceedings were had with closed doors, for fear the Governor might dissolve the body before



they could complete them. They had scarcely ordered the address to be entered on the journal before they were summoned to attend the Governor, who said, "Mr. Speaker and Gentlemen of the House of Representatives, I have heard of your resolves, and augur ill of their effects; you have made it my duty to dissolve you, and you are accordingly dissolved."

The proceedings were well deserving of the encomium of Bancroft, who says of them, they "were calm in manner, concise, simple, effective; so perfect in substance and in form that time finds no omission to regret, no improvement to suggest." Nothing can exceed the dignity and firmness displayed in the resolves and the address, and the King must have been blind indeed, not to have recognized the fact that the men who adopted them would not submit to the loss of their cherished rights.

It is not known who wrote these papers. That Mr. Henry was active in their passage cannot be doubted, and the resolves are so full of the vigor and boldness which characterized his resolutions of May, 1765, that it is very probable they were from his pen.

The action of Virginia greatly encouraged the patriots throughout America, and the press teemed with her praise. The several colonies through their assemblies approved her resolutions, and in some cases adopted them verbatim. Thus Virginia led the way, and united the colonies in resisting British encroachment on their rights of person, as she had done regarding the encroachment on their rights of property.

Upon the dissolution of the Assembly the members met in the long room of the Raleigh tavern,

called "The Apollo," and signed an agreement presented by Washington, which had been drawn by George Mason, not then in public life, pledging themselves to encourage industry and frugality, and not to import or to buy any articles which were taxed by Parliament. Some of the other colonies had already entered into similar agreements, and subsequently all joined in the movement. Homespun clothes became fashionable, and the test of patriotism, and British commerce began to suffer from British tyranny.

The Ministry now found themselves beset with difficulties. An able minority on the floor of Parliament, led by Burke, resisted every step in their American policy, and exposed the tyrannical principles on which it was based. A party was formed among the people which favored the colonies, and was strengthened by the non-importation agreements which affected the merchants and manufacturers. The repeated expulsion of John Wilkes from his seat in Parliament, at the requirement of the King, brought on a contest with his constituents, the voters of Middlesex, which came near lighting the torch of civil war under the very shadow of Parliament building, and greatly increased the sympathy for the colonies. And to crown their miseries, the strong arm of the concealed form of Junius was discharging those polished shafts, the envy and despair of political writers, which transfixed the King and his advisers, and held them up as objects of contempt to their own and succeeding ages.

Lord Botetourt, unlike Governor Bernard, warmly espoused the cause of his colony, and urged the

Ministry to do justice to a people of whose loyalty and patriotism he was fully satisfied.

Forced to retrace their steps, the Ministry attempted to pacify the colonies without yielding the right to tax them. It was determined to repeal the duty on every article except tea, and the Governors were directed to inform the several Assemblies that the repeal would be moved in the next Parliament, "upon consideration of such duties having been laid contrary to the true principles of commerce."

The Virginia Assembly was called together on November 7, 1769, and Lord Botetourt, in the name of the Ministry, gave them this assurance, and that no further effort would be made to raise a revenue from America. The Council in reply advised the repeal of existing parliamentary taxes, and the Burgesses, expressing their gratitude for his Majesty's purpose, trusted that the same wisdom and goodness would still further incline him to an exertion of his influence toward perfecting the happiness of all his people. They expressed their regard for the Governor in terms which were highly appreciated by him, and the most cordial feelings were established between them.

The House at once addressed itself to matters of importance brought to their attention by the Governor. Several cruel murders of friendly Indians had been committed on the frontier, and the murderers, after their arrest, had been rescued and were at large. In addition to the important committees on which he had been formerly placed, Mr. Henry was appointed a member of the Committee on Indian Affairs, and their report shows not only the firmest determination to maintain the treaties with the

Indians, and to vindicate the laws of the colony against crime, but a broad view of the relations of the Indian tribes to the colony. They reported "that all treaties with the Indians ought to be made by or under the authority of Government only, and that for any private person or persons to enter into negotiation with them, or to invite them into the colony for such treaty, is a great misdemeanor, and may be attended with the most dangerous consequences."<sup>1</sup> This ground was subsequently maintained by Virginia against the claims of persons and companies seeking to acquire part of the western territory, by virtue of treaties with the Indians to which the colony was no party.

Another matter of very great importance was the line proposed by the Board of Trade as the western boundary with the Indians. This line was to run from the point where the extension of the North Carolina line would strike the Holston River, to the mouth of the great Kanhawa on the Ohio, and it would not only have cut off from Virginia some of her settlements, and given up to the Indians the vast territory afterward known as Kentucky, and much of what is now West Virginia, but would have left the western settlements greatly exposed to the attacks of hostile Indians.

The committee to which this matter was referred, of which Mr. Henry was a member, insisted on another line, which, beginning at the western termination of the North Carolina line, and running due west to the Ohio, took in Kentucky. It recommended that the rights of the Cherokee Indians to any part of the territory embraced be purchased,

<sup>1</sup> Journal, 137-8.

and the land so taken in be sold to actual settlers in reasonable quantities, to the exclusion of monopolies. These were measures intended to encourage emigration to the westward, and to thwart the designs of the large land companies which were attempting to get possession of the vast unsettled territory of Virginia.

In his journey to the Holston the year before, Mr. Henry had acquired a personal knowledge of the western frontier, and become deeply impressed with the importance of the western country in itself, and in its relations to Virginia.

At this time it was the policy of Lord Hillsborough to divert immigration from it, and to confine population to the country near the sea-coast, whose trade he deemed more profitable to England, and more easily controlled.<sup>1</sup> He had even attempted to prevent the cession of this territory to the English by the Six Nations of Indians at the treaty of Fort Stanwix, in November, 1768. But William Johnson, representing the northern district, and Thomas Walker, representing Virginia, had gotten these confederate nations, who claimed as conquerors from the Shawanese, to cede the territory south of the Ohio, as far as the Cherokee or Cumberland River.<sup>2</sup> Virginia claimed the entire territory west of her settlements by virtue of her charter, and while willing to purchase Indian rights, was not willing to abandon her claim. Mr. Henry fully appreciated the value of this territory, and of the Mississippi River as a highway of commerce, and, as will be seen, never ceased his efforts till

<sup>1</sup> Report of Lords of Trade, Franklin's Works, vol. iv., p. 808.

<sup>2</sup> Bancroft, vi., 227-8, Works of Franklin, vol. iv., p. 332.

the advantages of both were secured to the colonies.

In January, 1770, Lord North was made first Lord of the Treasury and Prime Minister. In April, making a petition from the merchants of London the excuse, he moved to repeal the duty on all articles imported by the colonies from England, except tea. This was excepted at the instance of the King, who insisted that, "there must always be one tax to keep up the right."

The Virginia Assembly met in May, and were informed by the Governor, on June 20, of this repeal. They had hoped that the Ministry would listen to the earnest request of Lord Botetourt, and ask for the repeal of all obnoxious legislation, and their disappointment and dissatisfaction were indicated, by their ordering the next day that a petition to the King be drawn, praying that he would "recommend to his Parliament a total repeal of certain acts lately passed for the purpose of raising a revenue in America, and for subjecting American property to the jurisdiction of distant and arbitrary courts of admiralty, where trial by jury is not permitted, and where distance and interest may both conspire to ruin the innocent."

Besides this address, the members entered into a new association, uniting with the merchants, and providing for committees in the several counties to see that their agreements of non-importation were enforced. The use of tea was to be entirely discontinued, and it was hoped that the firm purpose of the colonies not to buy any article taxed by Parliament, would finally result in the repeal of the entire Duty Act.

The difficulties between the citizens of Boston and the soldiery, which resulted in the latter firing on the people March 5, 1770, killing three and wounding eight, had caused great excitement throughout America. It had resulted in a removal of the troops from the town, and the trial of the officer in command, Captain Preston, and several of the soldiers, by the civil court. The Virginia Assembly, therefore, did not see fit to take note of the occurrence.

The Journal of this, as of other Assemblies, abounds with evidence of the value of Mr. Henry as a business member. Besides the important committees on which he had previously served, he was placed upon several special committees, among which may be mentioned one to frame a bill for the better administration of justice in the county courts, and another to examine the treasurer's accounts. Upon this last committee he was continued during subsequent sessions. He was also appointed, along with Richard Bland and Thomas Walker, to meet commissioners from the colonies of Quebec, New York, New Jersey, Maryland, Pennsylvania, and Delaware, to agree on a general plan for the regulation of the Indian trade. This conference had been proposed by the New York Assembly to be held in the city of New York, and was agreed to by Virginia, Quebec, and Pennsylvania. Mr. Henry left his home in July to attend it, and was accompanied by Mr. Bland, but their journey was fruitless, as the Government prevented the conference, fearing any move which looked like union among the colonies.<sup>1</sup>

<sup>1</sup> Hamilton's *History of the Republic*, i., 31, and Bancroft, vi., 316.

In October, 1770, Lord Botetourt died, greatly lamented by the Colony, whose cause he had earnestly advocated with the Ministry, and whose affection he had won by his frank and manly bearing. The Assembly in 1769 had named a county in his honor, and after his death his statue was ordered to be placed in the capital of the Colony. By his death the duties of the executive devolved on William Nelson, President of the Council, who convened the Assembly on 11, July, 1771, to give relief to the sufferers who, by the unprecedented freshet in the month of May, had lost tobacco in the public warehouses.

A signal proof was given by this Assembly of the advance of dissent, and the growing jealousy of ecclesiastical powers, in their unanimous vote of thanks to Messrs. Henley, Gwatkin, Hewitt, and Bland, ministers of the established church, "for the wise and well-timed opposition they have made to the pernicious project of a few mistaken clergymen, for introducing an American bishop; a measure by which much disturbance, great anxiety, and apprehension would certainly take place among his Majesty's faithful American subjects."

During the year Mr. Henry purchased a valuable tract of land in Hanover, called "Scotchtown," which he made his home. The place cost him £600, and was considered cheap at that price, as appears by a letter from Colonel William Christian congratulating him on the purchase. He was also the owner of lands in Botetourt County, on James River, which, the same letter informed him, did not suffer by the flood. It thus appears that he had not neglected his profession in attending the Assem-



bly, and his frequent and judicious purchases of real estate after this period show his wise management of his private affairs.

John Murray, Earl of Dunmore, a Scotch nobleman and a peer of the realm, was transferred from the government of New York to that of Virginia in 1771. He had been a pupil of Lord Bute while George III. was under his tuition, and was deeply imbued with his Tory principles. Edmund Randolph says of him:<sup>1</sup> "To external accomplishment he pretended not, and his manners and sentiments did not surpass substantial barbarism; a barbarism which was not palliated by a particle of native genius, nor regulated by an ingredient of religion. His propensities were coarse and depraved."

The contrast with the courtly and refined Bouteourt excited the disgust of the Virginians, and aided greatly in developing the feeling of alienation between the colony and the mother country, which was daily gaining strength.

The Governor called a new Assembly, to meet February 10, 1772. Nothing touching the relations with the home government was determined at its session, except the adoption of an address to the King strongly protesting against the slave trade, not only because of its inhumanity, but because of its threatening to endanger the very existence of the colonies; and beseeching him "to remove all those restraints on your Majesty's government of this Colony which inhibit their assenting to such laws as might check so pernicious a commerce."

<sup>1</sup> MS. History of Virginia.

The Assembly were justly alarmed at the increase of slaves. By a calculation of Mr. Jefferson, in his "Notes on Virginia," the proportion of the blacks with the whites in the colony in 1782 was as ten to eleven, and it could not have been very different in 1772. For years the royal assent had been withheld from enactments imposing duties on their importation, by which it had been sought to check their increase, and the colony was filling up rapidly with a barbarous population taken from the wilds of Africa. As slaves they retarded the prosperity of the country, and to give them the rights of citizenship seemed certain destruction to every interest held dear by the English race. Well might the Assembly declare that the continuance of the iniquitous trade would "endanger the very existence of the colonies."

The King, to his shame be it said, unwilling to give up his part of the profits of the inhuman traffic, evaded a reply to this solemn appeal, and continued to withhold his consent to its prohibition; while Lord Mansfield, ardently supporting his American policy, was announcing from the King's Bench the doctrine that slavery could not exist in England, and releasing a Virginia negro brought there by his master.<sup>1</sup>

Mr. Henry's views on this important subject have been already indicated, but it is fortunate that a distinct statement of them has been preserved in a letter to a correspondent, who had sent him the book of Anthony Benezet on slavery. This letter is found in the "Life of Benezet," by Robert Vaux,

<sup>1</sup> *Somerset vs. Stewart*, Lofft Reports, Easter Term, 1772.

and is the earliest of Mr. Henry's letters now known to exist. It is as follows :

"HANOVER, January 18, 1778.

"DEAR SIR: I take this opportunity to acknowledge the receipt of Anthony Benezet's book against the slave trade. I thank you for it. It is not a little surprising that the professors of Christianity, whose chief excellence consists in softening the human heart, and in cherishing and improving its finer feelings, should encourage a practice so totally repugnant to the first impressions of right and wrong. What adds to the wonder is that this abominable practice has been introduced in the most enlightened ages. Times, that seem to have pretensions to boast of high improvements in the arts and sciences, and refined morality, have brought into general use, and guarded by many laws, a species of violence and tyranny, which our more rude and barbarous, but more honest ancestors detested. Is it not amazing, that at a time, when the rights of humanity are defined and understood with precision, in a country, above all others, fond of liberty, that in such an age and in such a country, we find men professing a religion the most humane, mild, gentle and generous, adopting a principle as repugnant to humanity, as it is inconsistent with the bible, and destructive to liberty? Every thinking, honest man rejects it in speculation, how few in practice from conscientious motives!

"Would anyone believe I am the master of slaves of my own purchase! I am drawn along by the general inconvenience of living here without them. I will not, I cannot justify it. However culpable my conduct, I will so far pay my devoir to virtue, as to own the excellence and rectitude of her precepts, and lament my want of conformity to them.

"I believe a time will come when an opportunity

will be offered to abolish this lamentable evil. Everything we can do is to improve it, if it happens in our day; if not, let us transmit to our descendants, together with our slaves, a pity for their unhappy lot, and an abhorrence of slavery. If we cannot reduce this wished-for reformation to practice, let us treat the unhappy victims with lenity. It is the furthest advance we can make toward justice. It is a debt we owe to the purity of our religion, to show that it is at variance with that law which warrants slavery.

"I know not when to stop. I could say many things on the subject, a serious view of which gives a gloomy perspective to future times."

The "gloomy perspective" which filled his mind was made a terrible reality before a century had passed, when the bonds of slavery were sundered by the consuming flame of the most gigantic civil war of which history has made record, leaving the unsolved problem of negro citizenship to clog American progress, and to endanger American institutions.

## CHAPTER VII.

### IRRITATING MEASURES OF ENGLAND—1772-1774.

**Attempt to Govern by Royal Instructions.—Act for Securing Dock-yards, Ships, and Stores.—Affair of the Gaspee.—Inquiry into it by a Commission with Secret Orders.—Death of Colonel John Henry.—New Assembly.—Rebuke to the Governor for Disregard of the Criminal Laws.—Law Against Counterfeiting.—Acts for Internal Improvement.—Committees of Correspondence Advised, and One Appointed for Virginia.—Incidents Relating to the Resolutions, and Mr. Henry's Part in Them.—Judge Tucker's Account of Mr. Henry in this Assembly.—Hearty Response of the Other Colonies to the Proposal of Virginia, as Tending to Union.—What was the Honor Due to Virginia in this Regard?—Effect upon the Ministry.—Adjournment of the Rhode Island Commission.—Embarrassment of the East India Company.—Act for Their Relief.—Duty on Tea Shipped to America Arouses Opposition.—The Consignees in Three Ports Forced to Resign.—At Boston the Tea Thrown Overboard by Disguised Men.—Rage of the Ministry.—Bill to Close the Port of Boston.**

As Parliament was not active in enforcing their claim to tax, and the colonies had met the existing Duty Act by refusing to buy the taxed articles, the question of taxation ceased to be agitated as formerly, and the kindly relations between England and America would probably have been renewed, had not the administration kept up a series of most irritating measures. The Assembly of Massachusetts were not allowed to meet in Boston, but were convened at Cambridge. Every colonial Assembly which did not obey the requirements of the administration, however unusual or oppressive they might

be, was at once dissolved. Arbitrary and dishonest men were placed in power in the colonies, and supported out of the treasury at home, so as to be entirely independent of those they governed. Their extortion in North Carolina caused some of the best people to band together to resist it, and brought on the war of the Regulators. In Georgia the Speaker elected was rejected by the Governor. Everywhere Royal Instructions were put above law and the ancient customs of colonial government. And this was done in violation of the British Constitution as construed by the Court of King's Bench, presided over by Lord Mansfield, which held, in the case of *Campbell vs. Hall*,<sup>1</sup> that where there was a colonial Assembly allowed, the King's prerogative did not extend to the making or altering of laws.

In April, 1772, an act was passed for the better securing of dockyards, ships and stores, which extended to the colonies, and made death the penalty for destroying any article, even the most trifling, which belonged to the fleet, and subjected the accused to a trial in any county in England. The British ship *Gaspee*, stationed in the harbor of Providence, Rhode Island, and commanded by Lieutenant Dudingston, had greatly obstructed commerce by the conduct of its commander, in stopping and searching in an unlawful manner vessels using the harbor, and seizing their cargoes. On June 9, 1772, it chased the Providence packet coming into port, and, following it too far, ran aground. The following night a party of disguised men in boats boarded the stranded vessel, and after a scuffle, in which the commander was wounded, captured and landed the

<sup>1</sup> Reported in Cowper's Reports, 204.

crew, and fired the schooner. The affair was conducted on a sudden impulse, by men exasperated by continuous insolence and oppression, but it called forth the harshest measures at the hands of the Ministry. It was pronounced by Thurlow and Wedderburn to be a crime of deeper dye than piracy, and steps were taken for the discovery and apprehension of the persons engaged in it, in order that they might be carried to England for "condign punishment." In January, 1773, a commission, composed of Admiral Montague, the vice-admiralty judge at Boston, the Chief Justices of Massachusetts, New York, and New Jersey, and the Governor of Rhode Island, met at Newport to make inquest as to the matter, with orders to cause the offenders to be arrested and sent to England for trial. The commission, baffled in their inquiries, continued their session for months. The fact of their appointment was looked upon as a direct attack upon the right of trial by jury, and caused widespread alarm, which was greatly increased by the difficulty experienced in ascertaining what were the precise orders under which they acted.

In the midst of this excitement Mr. Henry was called to the death-bed of his honored father, who died in February, 1773, having been spared to see a large family comfortably settled in life, and his youngest son the leading man in the colony. Upon that son he had leaned for support in his declining years, and he had found that the cares of public life had not lessened his filial affection.

Lord Dunmore was loath to convene the Assembly. He prorogued them from time to time after the session of February, 1772, till March 4, 1773.

He was forced to call them together at that time to prevent a commercial panic, arising from the discovery of extensive forgeries of the treasury notes in circulation. Before the House met he had caused certain suspected citizens of Pittsylvania County to be arrested and tried, without being brought before an examining court, as required by law. At the opening of the session he sent them the information, received on oath, implicating Paschal Greenhill, a member of the House, in passing counterfeit notes, that they might take the necessary steps to punish him. The action of the house in reference to both of these matters was evidently the work of Mr. Henry, as he was made chairman of the committees appointed to wait on the Governor with their resolutions. As regards the accused member, it was—

“*Resolved*, That an humble address be presented to his Excellency the Governor, returning him the sincere thanks of this House for the information respecting Mr. Paschal Greenhill, which the House esteems an instance of his Lordship’s tenderness and affection for the privileges of the members of this House; to assure him, that the House is filled with a just detestation of an offence so dangerous in its consequences; and to entreat that his Lordship will be pleased to direct that every legal step be forthwith taken for securing the said Mr. Greenhill, that he may be brought to justice, and all others accused upon good grounds of the like offence; and engaging that this House will most cheerfully pay any reasonable reward his Excellency may think fit to offer for apprehending such offenders; to be paid upon their conviction.”




At the same time the Governor was required to lay before the House the proceedings in the arrest and trial of the accused citizens of Pittsylvania. Upon examining these irregular proceedings, the House voted the following address :

“My Lord : We, his Majesty’s dutiful subjects, beg leave to present your Excellency our sincere thanks for your attention to the interests of this colony, by vigorously endeavoring to bring the forgers of our paper currency to justice, but the proceedings in this case, my Lord, though rendered necessary by the particular nature of it, are nevertheless different from the usual mode, it being regular that an examining court on criminals should be held, either in the county where the act was committed, or the arrest made. The duty we owe our constituents obliges us, my Lord, to be as attentive to the safety of the innocent, as we are desirous of punishing the guilty; and we apprehend that a doubtful construction and various execution of criminal law, does greatly endanger the safety of innocent men. We do therefore most humbly pray your Excellency, that the proceedings in this case may not in future be drawn into consequence or example.”

The House thus, while duly appreciating the respect shown their own privileges, did not fail to see and protest against the arbitrary action of the Governor, in causing citizens to be tried before they had passed through the preliminary examination accorded to every one charged with felony.

Before presenting this address the House completed their legislation for the calling in of the counterfeited notes, and the punishment of those engaged



in forging or circulating the treasury notes of Virginia, or of any other colony. They took care also to transact all other business they deemed important.<sup>1</sup> On March 12, they came to the following important resolves :

*"Whereas,* The minds of his Majesty's faithful subjects in this colony have been much disturbed, by various rumors and reports of proceedings tending to deprive them of their ancient, legal, and constitutional right,

*"And whereas,* The affairs of this colony are frequently connected with those of Great Britain, as well as of the neighboring colonies, which renders a communication of sentiments necessary ; in order, therefore, to remove the uneasinesses, and to quiet the minds of the people, as well as for the other good purposes above mentioned,

*"Be it resolved,* That a standing committee of correspondence and inquiry be appointed, to consist of eleven persons to wit: the Honorable Peyton Randolph, Esquire, Robert Carter Nicholas, Richard Bland, Richard Henry Lee, Benjamin Harrison, Edmund Pendleton, Patrick Henry, Dudley Digges, Dabney Carr, Archibald Cary and Thomas Jefferson, Esquires, any six of whom to be a committee, whose business it shall be to obtain the most early and authentic intelligence of all such acts and resolutions of the British Parliament, or proceedings of Administration, as may relate to or affect the British colonies in America, and to keep up and maintain a correspondence and communication with our

<sup>1</sup> Among their laws were the following acts for internal improvements :  
" For improving the navigation of the Potomac River ; for making a road from the Warm Springs to Jennings Gap ; for clearing the Mataponi ; for circumventing the falls of James River by a canal from Westham ; and for cutting a canal across from Archer's Hope Creek to Queen's Creek, through Williamsburg, to connect the James and York Rivers."

sister colonies, respecting these important considerations; and the result of such their proceedings, from time to time, to lay before this House.

“*Resolved*, That it be an instruction to the said committee, that they do, without delay, inform themselves particularly of the principles and authority on which was constituted a court of inquiry, said to have been lately held in Rhode Island, with powers to transmit persons accused of offences committed in America to places beyond the seas to be tried.”

“The said resolutions being severally read a second time, were, upon the question severally put thereupon, agreed to by the house, *nemine contradicente*.

“*Resolved*, That the speaker of this house do transmit to the speakers of the different Assemblies of the British colonies on the continent, copies of the said resolutions, and desire that they will lay them before their respective Assemblies, and request them to appoint some person or persons of their respective bodies, to communicate from time to time with the said committee.”

As these resolutions were designed to unite all the colonial Assemblies in their counsels, and to insure united action in every step of the controversy with Great Britain, and in fact led to the Continental Congress, and American Union, every incident connected with their passage is of the greatest interest.

Mr. Jefferson in his memoir, after saying that the court of inquiry held in Rhode Island was considered as demanding attention by the Assembly, adds:

“Not thinking our old and leading members up to the point of forwardness and zeal which the times required, Mr. Henry, Richard Henry Lee, Francis L. Lee, Mr. Carr and myself agreed to meet in the

evening, in a private room of the Raleigh, to consult on the state of things. There may have been a member or two more whom I do not recollect. We were all sensible that the most urgent of all measures was that of coming to an understanding with all the other colonies, to consider the British claims as a common cause to all, and to produce a unity of action; and for this purpose that a committee of correspondence in each colony would be the best instrument for intercommunication; and that their first measure would probably be, to propose a meeting of deputies from every colony, at some central place, who should be charged with the direction of the measures which should be taken by all. We therefore drew up the resolutions which may be seen in Wirt, page 87. The consulting members proposed to me to move them, but I urged that it should be done by Mr. Carr, my friend and brother-in-law, then a new member, to whom I wished an opportunity should be given of making known to the house his great worth and talents. It was so agreed; he moved them; they were agreed to *nem. con.*, and a committee of correspondence appointed, of whom Peyton Randolph, the speaker, was chairman."

Mr. Carr was a member from the county of Louisa. By this single act he indelibly impressed his name on the page of his country's history. Mr. Jefferson wrote Mr. Wirt concerning him:

"I well remember the pleasure expressed in the countenance and conversation of the members generally, on this *début* of Mr. Carr, and the hopes they conceived, as well from the talents as the patriotism it manifested. But he died within two months after, and in him we lost a powerful fellow-laborer.

His character was of a high order: a spotless integrity, sound judgment, handsome imagination, enriched by education and reading, quick and clear in his conceptions, of correct and ready elocution, impressing every hearer with the sincerity of the heart from which it flowed. His firmness was inflexible in what he thought right, but when no moral principle was in the way, never had man more of the milk of human kindness, of indulgence, of softness, of pleasantry in conversation and conduct."

As early as July 25, 1768, Richard Henry Lee, in a letter to John Dickinson,<sup>1</sup> had suggested the appointment of such committees by all the colonies to effect an union of counsel and action, and as he and Mr. Henry were in thorough accord in their views, it can hardly be doubted that they had waited to make the move in the Assembly till they saw the country ready to adopt the suggestion. The court of inquiry sitting in Rhode Island with secret instructions roused the continent, and enabled these patriots successfully to accomplish the first decided movement toward a perpetual union.

Mr. Lee, in a letter to Mr. Dickinson of April 4, 1773,<sup>2</sup> refers to the supposed objects of this court of inquiry, and adds:

"When our Assembly met lately they were not furnished with proper documents on this subject. But they have now adopted a measure, which from the beginning they should have fixed on, as leading to that union and perfect understanding with each other, on which the political salvation of America depends. I have enclosed you that part of our journal which relates to that matter. You will observe,

<sup>1</sup> *Life of R. H. Lee*, vol. i., p. 65.

<sup>2</sup> *Idem*, 90.

sir, that full scope is given to a large and thorough union of councils, though our language is so contrived as to prevent the enemies of America from bringing this transaction into the vortex of treason, whither they have carried every honest attempt to defend ourselves from their tyrannous designs to destroy our constitutional liberty. I hope sincerely that every colony on the continent will adopt these committees of correspondence and enquiry."

An interesting account of this Assembly, and of the appearance of Mr. Henry and Mr. Lee has been preserved by Judge St. George Tucker, who was a student at the college in 1773. He wrote to Mr. Wirt:

"When I first saw Mr. Henry, which was in March, 1773, he wore a peach blossom colored coat, and a dark wig, which tied behind, and I believe a bag to it, as was the fashion of the day. When pointed out to me as the orator of the Assembly I looked at him with no great prepossession. On the opposite side of the house sat the graceful Pendleton, and the harmonious Richard Henry Lee, whose aquiline nose and Roman profile struck me much more forcibly than that of Mr. Henry, his rival in eloquence. The distance from the gallery to the chair, near which these distinguished members sat, did not permit me to have such a view of their features and countenances as to leave a strong impression, except of Mr. Lee's, whose profile was too remarkable not to be noticed at an even greater distance. I was then between nineteen and twenty, had never heard a speech in public, except from the pulpit—had attached to the idea I had formed of an orator all the advantages of person which Mr. Pendleton possessed, and even more—all the advan-

tages of voice, which delighted me so much in the speeches of Mr. Lee—the fine polish of language which that gentleman united with that harmonious voice, so as to make me sometimes fancy that I was listening to some being inspired with more than mortal powers of embellishment—and all the advantages of gesture which the celebrated Demosthenes considered as the first, second, and third qualifications of an orator. I discovered neither of these qualifications in the appearance of Mr. Henry, or in the few remarks I heard him deliver during the session. It was at this time that Mr. Dabney Carr made a motion for appointing a standing committee of correspondence with the other colonies. I was not present when Mr. Henry spoke on this question; but was told by some of my fellow-collegians that he far exceeded Mr. Lee, whose speech succeeded the next day. Never before had I heard what I thought oratory; and if his speech was excelled by Mr. Henry's, the latter must have been excellent indeed. This was the only subject, that I recollect, which called forth the talents of the members during that session, and there was too much unanimity to have elicited all the strength of any one of them."

It was about this time, and doubtless on this occasion, that the following incident occurred, which was related to Judge Roane, as he informed Mr. Wirt, by Major Scott. Judge Roane says:<sup>1</sup> "Mr. Henry was declaiming against the British King and Ministry, and such was the effect of his eloquence that all at once the spectators in the gallery rushed out. It was at first supposed that the house was on fire. Not so. But some of the most prominent of these spectators ran up into the cupola

<sup>1</sup> MS. Letter.

and dowsed the royal flag which was there suspended!"

On March 15, the address, disapproving the conduct of the Governor as to the irregular trial of the Pittsylvania prisoners, was presented to him by the whole house, and elicited a rude answer, and a prorogation of the body after a session of only eleven days.

The Committee of Correspondence met the next day, and prepared a circular to the speakers of the other colonies, enclosing to each a copy of the resolutions inviting correspondence, and directed their chairman to forward them by expresses.

The proposal was received by the several Assemblies as a happy suggestion, and similar committees were appointed by them as they had opportunity, and often in the language employed by Virginia.<sup>1</sup> Some of the replies were very complimentary to the patriotic course pursued by Virginia during the entire controversy. The Connecticut committee wrote August 10, 1773. "The House of Representatives of this colony have fully adopted the measure proposed by your patriotic House of Burgesses, and with pleasure follow the lead given, and example set, by the fathers of the people in the ancient, free, and loyal colony of Virginia."

The Massachusetts Assembly on May 27, 1773, among their resolutions in reply, said: "That this house have a very grateful sense of the obligations they are under to the House of Burgesses in Virginia, for the vigilance, firmness and wisdom, which they have discovered at all times in support of the

<sup>1</sup> The correspondence of the committees is to be found in Calendar of Virginia State Papers, vol. viii.



rights and liberties of the American colonies, and do heartily concur with them in their said judicious and spirited resolves.”

The Assembly of Delaware, on October 23, 1773, used similar language.

The Assembly of North Carolina, on December 8, 1773, resolved: “That the vigilance which the honorable House of Burgesses of Virginia have displayed in attending to every encroachment upon the rights and liberties of America, and the wisdom and vigor with which they have always opposed such encroachments, are worthy the imitation, and merit the gratitude, of all their sister colonies, and in no instance more particularly than in the measure proposed for appointing corresponding committees in every colony, by which such harmony and communication will be established among them, that they will at all times be ready to exert their united efforts, and most strenuous endeavors, to preserve the just rights and liberties of the American colonies, which appear of late to be so systematically invaded.”

The Speaker of the New York Assembly, who was the first to reply, wrote April 24, 1773: “We have no committee of correspondence of the same kind with yours appointed, but as soon as our Assembly meets shall lay your letter before them.” The Assembly of that colony did not act till January 20, 1774, when they appointed a committee and directed their Speaker in transmitting their action, to “return the thanks of this house to the Burgesses of Virginia for their early attention to the liberties of America.”

The replies of the several Assemblies demonstrate

the fact, that Virginia is entitled to the honor of successfully inaugurating these committees as a means of effecting the union of the colonies. It is not claimed for her that she first suggested committees to conduct political correspondence. They had been used as far back as the contests between Parliament and the Stuarts,<sup>1</sup> and had been for many years the instruments of communication with the colonial agents in London. Massachusetts, under the lead of Samuel Adams in 1772, had been united in political action by committees of correspondence appointed by the several towns, and her Assembly under the same great leader, had in 1770, and 1771, appointed committees to communicate for the time with the Speakers of the other colonies. Nor was the idea of a union of the colonies original with Virginia. It had been urged by Franklin, as we have seen, as far back as 1754, before their liberties had been endangered by British aggressions, and had been constantly suggested since the passage of the Stamp Act, in the public prints and otherwise.

The honor due to Virginia, and fully accorded her at the time, was, that she brought about the long-desired union by proposing permanent committees of correspondence between the several colonial Assemblies. Samuel Adams wrote R. H. Lee, April 10, 1773: "The reception of the truly patriotic resolves of the House of Burgesses of Virginia gladdens the hearts of all who are friends to liberty. . . . I hope you will have the hearty concurrence of every assembly on the continent. It is a measure which will be attended with great and good consequences." A writer in the *New Hampshire Gazette*,

<sup>1</sup> Adolphus's History of England, ii., 24.

June 18, 1773, said of the plan: "Heaven itself seemed to have dictated it to the noble Virginians. O Americans, embrace this plan of union as your life. It will work out your political salvation." The committee of Connecticut wrote, March 8, 1774: "We consider with pleasure the steps taken by your worthy House of Burgesses, in appointing a committee to keep up a regular correspondence with your sister colonies, now adopted by nearly all on the continent, as a basis on which the most lasting and beneficial union may be formed and supported."

The importance of the measure as adopted by the colonies was recognized at once by the English Government, and William Lee wrote from London, January 1, 1774, that it "struck a greater panic into the Ministers than anything that had taken place since the passage of the Stamp Act."<sup>1</sup>

It is interesting to note, that in transmitting these resolutions the Virginia Committee also inclosed the Act against forging and circulating counterfeit money, and asked that a similar act be passed by the other colonies for their mutual protection, thus inviting the first act of united legislation. Favorable action was taken in response to this proposal, and the Connecticut Committee suggested a uniformity of laws as to their currency, and other general concerns, as a measure which would have a happy tendency toward forming and strengthening a union of the colonies.

The Rhode Island Commission, which caused so much uneasiness, became themselves uneasy on discovering the spirit aroused among the people.

<sup>1</sup> Campbell's History of Virginia, 570.

They adjourned in June, 1773, without having ordered any arrests, after adopting an elaborate report, which conceded the illegal conduct of the commander of the Gaspee in his indiscriminate detention of vessels.

Thus ended the effort to rule the colonies by Royal Instructions, an ill-advised system, which, ~~instead of intimidating, drove America into a closer union and a stouter resistance.~~

~~In the meanwhile important events had taken place in England. The refusal of the colonies to buy tea exported from England had, with other causes, greatly embarrassed the East India Company, which had accumulated 17,000,000 pounds of tea in their warehouses for which they had no market. Their embarrassment seriously affected the business of the kingdom, and threatened a financial panic. In this state of affairs, the company applied to Parliament on March 2, 1773, for a loan of £1,500,000. On April 27, Lord North proposed, for the relief of the company, that they be allowed to export their tea to America free of all duties collectible in England, but subject to the duty of three pence per pound collectible in the colonies. The company asked that the duty payable in America be remitted, as it brought in no revenue, and an equivalent duty be retained in England; but Lord North, speaking the mind of the King, refused. It was resolved to retain this as an exercise of the right of taxation, and as the repeal of the duty in England would enable the company to undersell other nations, it was confidently believed by the Ministry that the colonies would buy of the company.~~

At the same time the King, in answering the petitions from Massachusetts, asking that their Governor and judges be no longer paid out of the royal treasury but be allowed to be supported by the colony, expressed his displeasure that they should call in question, in their petitions, the right of Parliament to bind the colonies in all cases whatsoever, which he declared to be essential to the dignity of the Crown. Lord Dartmouth had succeeded Hillsborough as Secretary for the Colonies, and his amiable character, and known opposition to coercion, had caused a strong hope that the policy of England would be changed toward them. They now found themselves bitterly disappointed, and the most insidious plan adopted to induce them to submit to the tax imposed.

The East India Company, after some hesitation, suspecting they were being used as a "cat's paw to establish the American duty,"<sup>1</sup> determined to ship cargoes of tea to Boston, Charleston, New York, and Philadelphia. The news of the Tea Act and of the purpose of the East India Company, caused great excitement and indignation throughout the colonies. The determination of the Americans not to pay the tax was as fixed, as was that of the King to collect it, and now they had an organization, in their Committees of Correspondence, which thoroughly united the people in their measures of resistance.

On October 21, 1773, the Massachusetts Committee wrote urging increased vigilance, united measures of opposition, and united support of any colony which might be singled out for oppression, as "the

<sup>1</sup> Letter of John Norton to Virginia committee, dated July 6, 1773. London.

true design of the establishment of our Committees of Correspondence." They suggested that if England should be drawn into a European war she would need aid from the colonies, and such aid should be withheld till their rights were restored, and secured on a permanent foundation. They suggested that the Committees should at once consult as to the extent of the rights to be insisted on, and they named one, which every colony had explicitly asserted, and should never abandon, "the sole and inalienable right to give and grant their own money, and to appropriate it to such purposes as they judge proper." They added: "We are far from desiring the connection between Great Britain and America should be broken. *Esto perpetua* is our most ardent wish; but upon the terms *only* of equal liberty." They closed with a reference to the proposed shipments of tea, and urged each colony to "take effectual methods to prevent this measure from having its designed effect."

On November 4, 1773, the Connecticut Committee wrote, expressing their uneasiness as to the consequences of the arrival, daily expected, of the teas of the East India Company, but declaring the utmost confidence in the firmness and virtue of the inhabitants of the towns to which they had been shipped.

The eyes of all America were directed to the four ports to which the tea had been consigned, and the Connecticut Committee but expressed the general feeling. Nor was the general confidence misplaced. On October 18, 1773, a great town meeting in Philadelphia requested of the consignees the resignation of their commission, and they deemed it best to com-

ply. The people of Charleston in public meeting received the resignation of the consignees at that port. The patriots of New York in their City Hall resolved that no tea should be landed there. The people of Boston, following the action of Philadelphia, were met with a peremptory refusal at the hands of the consignees. It seemed that in all the difficulties which arose in the prolonged controversy with the mother country, Boston was to bear the brunt. On November 28, 1773, a vessel containing tea arrived at that port, and was followed in a few days by two others. A guard of citizens prevented their landing. Strenuous efforts were made to induce their return without unloading, and when every effort had failed, a band of men disguised as Indians, on the night of December 16, boarded the vessels, cut open the tea-chests, and threw the entire cargo overboard.<sup>1</sup> The ships sent to the other ports were either forced to return unloaded, or their cargoes were seized by the collectors, stored in damp cellars, and destroyed.

All America applauded the firmness of the four cities, and awaited with anxiety the effect of their conduct upon the British Government. That Government was enraged upon learning what had happened. The King declared the Constitution had been subverted. Lord North pronounced it the culmination of years of riot and confusion. Parliament treated it as actual rebellion, and determined to inflict summary punishment. Although all four cities had refused to permit the landing of the tea, Boston was selected as the object of vengeance; not only because her course was the most obnoxious,

<sup>1</sup> *Rise of the Republic*, 303-9.

but with the expectation that the colonies would leave her to her fate, and that thus her stubborn spirit would be broken.

On March 14, 1774, Lord North asked leave to bring in a bill to close the port of Boston, to go into effect June 1, and to continue till payment was made for the tea destroyed, and the Acts of Parliament were obeyed. It was given out that it would be enforced by an army and navy. Eloquent protests were made by Burke, Sawbridge, and Dowdeswell, but the bill passed without a division. In the House of Lords it met with less opposition, and was passed March 30, after a long report had been made of "the several proceedings in the colony of Massachusetts Bay, in opposition to the sovereignty of his Majesty in his Parliament of Great Britain over that province; and also what had passed in this House relative thereto, from 1st day of January, 1764." This exhaustive report, which will ever be a tribute of the highest honor to that noble colony, was used as an indictment upon which her people were at once tried and condemned, without an opportunity of being heard.

The noble Earl of Chatham, unable to raise his voice in opposition on the floor, protested with his pen against the "mad and cruel measure." "Reparation," said he, "ought first to be demanded in a solemn manner, and refused by the town and magistracy of Boston, before such a bill of pains and penalties can be called just. Perhaps a fatal desire has taken possession of the heart of the Government to take advantage of a tumult, in order to crush the spirit of liberty among the Americans." <sup>1</sup>

<sup>1</sup> Correspondence of the Earl of Chatham, iv., 336.



## CHAPTER VIII.

### UNION OF AMERICAN OPPOSITION—1774.

Meeting of House of Burgesses, May, 1774.—Trouble with Indians and Pennsylvania.—Refusal of House to Raise Regular Troops.—Consultation of Patriots About Political Affairs.—Boston Port Bill Arrives.—Notice Taken of It.—Dissolution of the House.—Action of Members Afterward.—Non-importation and Annual Congress Recommended, with Delegates to be Elected by a Convention.—Mr. Henry the Leader in the Measures.—Splendid Tribute to Him by George Mason.—Tributes to Virginia by Other Colonies.—Effect of the Fast Day Recommended.—Tyrannous Acts of Parliament in Reference to Massachusetts and the Colonies.—General Gage Sent with Four Regiments to Enforce Them.—Firmness of the People.—Instructions of Hanover County to Patrick Henry and John Syme, Delegates to the Convention.—Commercial Non-intercourse Relied on for Redress of Grievances.—Boston Fed by the Patriots.—Virginia Convention.—Delegates to Congress.—Instructions to Them.

THE Virginia House of Burgesses met on May 5, 1774, at the call of the Governor, who had gotten the colony into serious trouble, both with the colony of Pennsylvania and with the warlike tribes of Indians on the Ohio. Pennsylvania had been partly carved out of the northern territory of Virginia, but by reason of an inexcusable blunder in drawing her charter, the dividing line could not be determined.

The northern line was along the forty-second degree of latitude. The eastern boundary was the Delaware River to a point twelve miles north of New Castle, and thence southward, the arc of a

circle having New Castle for its centre, and a radius of twelve miles, the arc stretching from the Delaware River westward, till it intersected the thirty-ninth degree of latitude. The southern line was to be from this point of intersection westward five degrees, and the western was to be five degrees from the eastern line. The trouble arose from the fact that an arc made with a radius of twelve miles, and New Castle as a centre, fell far short of touching the thirty-ninth degree of latitude. Pennsylvania claimed, however, a territory three degrees wide from north to south, and a line on the west which would take in Fort Pitt, now Pittsburg, built by the Virginians in 1754.<sup>1</sup> These claims were disputed by Virginia, and had been referred to the British Government for settlement, but had not been acted on. In the meanwhile Pennsylvania was exercising jurisdiction over Fort Pitt.<sup>2</sup> In the summer of 1773 Lord Dunmore visited the Fort, and determined to re-establish the authority of Virginia over it and the adjacent territory. He found a fit instrument for his design in Dr. John Connolly, a man of considerable intelligence, but devoid of principle. Lord Dunmore gave him a commission to gather a military force, with which to hold the disputed territory around Fort Pitt for Virginia, to the exclusion of the Pennsylvania authorities.<sup>3</sup> He not only committed violence upon all persons within this territory who adhered to Pennsylvania, but killed several of the friendly Indians,<sup>4</sup> and thus provoked both civil

<sup>1</sup> Calendar of Virginia State Papers, i., 277.

<sup>2</sup> Pennsylvania Archives, iv., 479.

<sup>3</sup> Idem, 477 and 485.

<sup>4</sup> Idem, 528.

strife and an Indian war. Having thus brought these accumulated troubles on the colony, the Governor appealed to the Assembly to raise a regular force to withstand the authorities of Pennsylvania, and to chastise the Indians, who were attacking the western settlements.

The Assembly declined to put regular troops at his command, and instead, recommended "to his Excellency, the fixing a temporary line between this colony and Pennsylvania, until his Majesty shall direct the true and proper boundary to be established;" and requested him, "to exert the powers vested in him by the act of Assembly for making provision against invasions and insurrections, which we doubt not will be sufficient for the present to repel the attacks of the Indians."

The House then devoted itself industriously to its ordinary business, intending to reserve all notice of the Tea Act and its consequences till the close of the session, for fear of a dissolution. But the critical condition of affairs was the subject of earnest consultation between Mr. Henry and the most advanced of the patriots in the body. Before the results of these consultations were made public, news of the Boston Port Bill arrived, and it was determined to take notice of it at once, as it was to take effect on June 1. Mr. Jefferson has recorded in his memoir what occurred. He says :

"The lead in the House, on these subjects, being no longer left to the old members, Mr. Henry, R. H. Lee, Fr. L. Lee, three or four other members whom I do not recollect, and myself, agreeing that we must boldly take an unequivocal stand in the line with Massachusetts, determined to meet and

consult on the proper measures, in the council chamber, for the benefit of the library in that room. We were under conviction of the necessity of arousing our people from the lethargy into which they had fallen, as to passing events; and thought that the appointment of a day of general fasting and prayer, would be most likely to call up and alarm their attention. No example of such a solemnity had existed since the days of our distresses in the war of '55, since which a new generation had grown up. With the help therefore of Rushworth, whom we rummaged over for the revolutionary precedents and forms of the Puritans of that day, preserved by him, we cooked up a resolution, somewhat modernizing their phrases, for appointing the first day of June, on which the Port Bill was to commence, for a day of fasting, humiliation and prayer, to implore Heaven to avert from us the evils of civil war, to inspire us with firmness in support of our rights, and to turn the hearts of the King and Parliament to moderation and justice. To give greater emphasis to our proposition, we agreed to wait the next morning on Mr. Nicholas, whose grave and religious character was more in unison with the tone of our resolution, and to solicit him to move it. We accordingly went to him in the morning. He moved it the same day; the first of June was proposed; and it passed without opposition."

The Journal of May 24, contains the following :

"This house being deeply impressed with apprehension of the great dangers to be derived to British America, from the hostile invasion of the City of Boston, in our sister colony of Massachusetts Bay, whose commerce and harbor are, on the first day of June next, to be stopped by an armed force, deem it highly necessary that the said first day of

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June next be set apart by the members of this house, as a day of fasting, humiliation, and prayer, devoutly to implore the Divine interposition for averting the heavy calamity which threatens destruction to our civil rights, and the evils of civil war; to give us one heart and one mind firmly to oppose, by all just and proper means, every injury to American rights; and that the minds of his majesty and his parliament may be inspired from above with wisdom, moderation, and justice, to remove from the loyal people of America all cause of danger, from a continued pursuit of measures pregnant with their ruin.

“*Ordered* therefore, That the members of this House do attend in their places, at the hour of ten in the forenoon, on the said first day of June next, in order to proceed with the Speaker and the mace to the church in this city, for the purpose aforesaid: and that the Rev. Mr. Price be appointed, to read prayers, and the Rev. Mr. Gwatkin<sup>1</sup> to preach a sermon suitable to the occasion.

“*Ordered*, That this order be forthwith printed and published.”

These resolves were printed in the *Williamsburg Gazette* of May 26th, and on seeing them the Governor ordered the House to attend him immediately in the Council Chamber, and said :

“Mr. Speaker and Gentlemen of the House of Burgesses. I have in my hand a paper published by order of your House, conceived in such terms as reflect highly upon his Majesty, and the Parliament of Great Britain, which makes it necessary for me to dissolve you; and you are dissolved accordingly.”

<sup>1</sup> Mr. Gwatkin excused himself from sickness, and Mr. Price was requested to preach the sermon.

The House, at the beginning of that day's session, had fixed on the same day in the next week for the consideration of the papers laid before them by the Committee of Correspondence, but the measures to be taken had already been agreed on by the leaders. A member writing to a London correspondent May 20, said of these measures: "The plan proposed is extensive; it is wise, and I hope under God, it will not fail of success."<sup>1</sup> On the day after their dissolution the members met in the public room at the Raleigh Tavern, and adopted the following paper, which indicated this plan:

"We, his Majesty's most dutiful and loyal subjects, the late representatives of the good people of this country, having been deprived, by the sudden interposition of the executive part of this government, from giving our countrymen the advice we wished to convey to them in a legislative capacity, find ourselves under the hard necessity of adopting this, the only method we have left, of pointing out to our countrymen such measures as, in our opinion, are best fitted to secure our dearest rights and liberty from destruction, by the heavy hand of power now lifted against North America. With much grief we find that our dutiful applications to Great Britain for security of our just, ancient, and constitutional rights, have been not only disregarded, but that a determined system is formed and pressed for reducing the inhabitants of British America to slavery, by subjecting them to the payment of taxes, imposed without the consent of the people or their representatives; and that in pursuit of this system we find the act of the British parliament, lately passed, for stopping the harbor and commerce of

<sup>1</sup> American Archives, 4th series, vol. i., 340.

Boston, in our sister colony of Massachusetts Bay, until the people there submit to such unconstitutional taxes, which act most violently and arbitrarily deprives them of their property, in wharves erected by private persons, at their own great and proper expense ; which act is, in our opinion, a most dangerous attempt to destroy the constitutional liberty and rights of all North America. It is farther our opinion, that as *tea* on its importation to America is charged with a duty, imposed by parliament for the purpose of raising a revenue without the consent of the people, it ought not to be used by any person who wishes well to the constitutional rights and liberty of British America. And whereas the India Company have ungenerously attempted the ruin of America, by sending many ships loaded with tea into the colonies, thereby intending to fix a precedent in favor of arbitrary taxation, we deem it highly proper, and do accordingly recommend it strongly to our countrymen, not to purchase or use any kind of East India commodity whatsoever, except saltpetre and spices, until the grievances of America are redressed. We are farther clearly of opinion, that an attack made on one of our sister colonies, to compel submission to arbitrary taxes, is an attack made on all British America, and threatens ruin to the rights of all, unless the united wisdom of the whole be applied. And for this purpose it is recommended to the committee of correspondence, that they communicate with their several corresponding committees on the expediency of appointing deputies from the several colonies of British America, to meet in general congress, at such place annually as shall be thought most convenient ; there to deliberate on those general measures which the united interests of America may from time to time require.

A tender regard for the interests of our fellow

subjects, the merchants and manufacturers of Great Britain, prevents us from going farther at this time ; most earnestly hoping that the unconstitutional principle of taxing the colonies without their consent, will not be persisted in, thereby to compel us, against our will, to avoid all commercial intercourse with Britain. Wishing them and our people free and happy, we are their affectionate friends, the late representatives of Virginia."

The *Gazette* in publishing this paper adds : "The above was immediately signed by the honorable the Speaker, and all the members of the House of Burgesses, as well as by a number of clergymen, and other inhabitants of the colony, who after having maturely considered the contents of the association, did most cordially approve and accede thereto."

In accordance with the recommendation of this meeting, the committee sent to the committees of the other twelve colonies the following letter, signed by the sub-committee of correspondence.

"WILLIAMSBURG, May 28<sup>th</sup>, 1774.

"GENTLEMEN : The enclosed papers will explain to you our present political state here, with respect to the unhappy dispute with our mother country. The propriety of appointing deputies from the several colonies of British America to meet annually in general congress, appears to be a measure extremely important and extensively useful, as it tends so effectually to obtain the united wisdom of the whole in every case of general concern. We are desirous to obtain your sentiments on this subject which you will be pleased to furnish us with. Being very desirous of communicating to you the opinion and conduct of the late representatives on



the present posture of American affairs, as quickly as possible, we beg leave to refer you to a future letter on these subjects.

“We are with great respect your most ob<sup>t</sup> s<sup>ts</sup>,  
“PEYTON RANDOLPH,  
“RO. C. NICHOLAS,  
“DUDLEY DIGGES.”

On May 31, the committee issued an address to the several counties of Virginia, urging the appointment of delegates to a convention to meet at Williamsburg on August 1, to consult upon the critical condition of public affairs, and to appoint representatives to the congress.

The plan thus proposed by the members of the House of Burgesses was indeed extensive and wise. It was to unite all the colonies in their resistance to Great Britain, treating an attack upon one colony as an attack upon all. Their union to be perfected, and their affairs guided, by an annual congress, chosen by conventions, bodies representing the sovereign people which were not under the control of the royal Governor, and could not be dissolved by him. The means proposed, as a last resort, to effect the repeal of the obnoxious Acts of Parliament, was a discontinuance of all commercial intercourse with England. Thus Virginia held her position in the front of the Revolutionary movement, conspicuous for her wisdom, firmness, and conservatism.

The leading part taken by Mr. Henry in these measures, and the greatness to which he had attained, are attested by the following interesting letter, written by the celebrated George Mason to his intimate friend, Martin Cockburn.

"WILLIAMSBURG, May 26<sup>th</sup>, 1774.

"DEAR SIR: I arrived here on Sunday morning last, but found everybody's attention so entirely engrossed by the Boston affair, that I have as yet done nothing respecting my charter-rights and, I am afraid, shall not this week.

"A dissolution of the House of Burgesses is generally expected; but I think will not happen before the House has gone through the public business, which will be late in June.

"Whatever resolves or measures are intended for the preservation of our rights and liberties, will be reserved for the conclusion of the session. Matters of that sort here are conducted and prepared with a great deal of privacy, and by very few members, of whom Patrick Henry is the principal.

"At the request of the gentlemen concerned, I have spent an evening with them upon the subject, when I had an opportunity of conversing with Mr. Henry, and knowing his sentiments; as well as hearing him speak in the house since on different occasions. He is by far the most powerful speaker I ever heard. Every word he says not only engages, but commands the attention; and your passions are no longer your own when he addresses them. But his eloquence is the smallest part of his merit. He is in my opinion the first man upon this continent, as well in abilities as public virtues, and had he lived in Rome about the time of the first Punic war, when the Roman people had arrived at their meridian glory, and their virtue not tarnished, Mr. Henry's talents must have put him at the head of that glorious Commonwealth.

"Inclosed you have the Boston Trade Act, and a resolve of our House of Burgesses. You will observe it is confined to the members of their own House; but they would wish to see the example followed throughout the country; for which purpose the

members, at their own private expenses, are sending expresses with the resolve to their respective counties. Mr. Massey will receive a copy of the resolve from Col. Washington; and should a day of prayer and fasting be appointed in our county, please to tell my dear little family that I charge them to pay strict attention to it, and that I desire my three eldest sons, and my two eldest daughters, may attend church in mourning, if they have it, as I believe they have.

“Dear Sir, Your affectionate and  
obedient servant,  
“G. MASON.

“TO MR. MARTIN COCKBURN.”

This letter shows Mr. Henry to have been the leader in the measures proposed.

The action of the Virginia Burgesses was in fact the call of the House for a general congress. The paper adopted indicated, that the advice it contained had been determined on by the patriot members, before the Governor dissolved them. It was accepted as the action of the House of Burgesses, and was the first call for a continental congress by any colonial Assembly, after the passage of the Tea Act. Many suggestions of a congress had been previously made in the correspondence and prints of the day,<sup>1</sup> and on different days during the same month of May the “Sons of Liberty” of New York,<sup>2</sup> and a town meeting in Providence, Rhode Island,<sup>3</sup> had proposed such a body. The idea had been familiar to the people ever since the Stamp Act Congress. It is the glory of Virginia that her Burgesses took

<sup>1</sup> See these noted in *Rise of the Republic*, 331-2.

<sup>2</sup> Bancroft, vii., 40.

<sup>3</sup> *Rise of the Republic*, 332.

the lead in calling, not only a congress, but an annual congress of the colonies, involving a permanent union. The Assembly of Rhode Island followed her example June 15, and that of Massachusetts, June 17.<sup>1</sup>

The position of Virginia as the leader of the colonies at this critical juncture of their affairs, is abundantly attested by the communications received from the several Committees of Correspondence.

On May 18, 1774, Samuel Adams, on behalf of the citizens of Boston, enclosed to the Committee of Correspondence for the city of Philadelphia, copies of the resolutions of the town meeting of that date, asking the several colonies, "to stop all importations from Great Britain, and exportations to Great Britain, and every part of the West Indies, till the act for blocking up this harbor be repealed." Mr. Adams requested that these copies be forwarded to the southward, together with the sentiments of Philadelphia thereon.

On the receipt of this communication a town meeting was held in Philadelphia, May 20, which appointed a Committee of Correspondence with John Dickinson at its head, and instructed them to apply to the Governor to call together the Assembly of the province, and also to assure the people of Boston of their sympathy, and determination to adhere to the cause of American liberty. The Philadelphia Committee, replying to that of Boston on May 21, said :

"By what means this truly desirable circumstance of a reconciliation, and future harmony with

<sup>1</sup> Rise of the Republic, 333.

our mother country on constitutional principles may be obtained, is indeed a weighty question, whether by the method you have suggested of a non-importation and non-exportation agreement, or by a general congress of deputies from the different colonies clearly to state what we conceive our rights, and make a claim or petition of them to his Majesty, in firm, but decent and dutiful terms, so as that we may know by what line to conduct ourselves in future, are now the great points to be determined. The latter we have great reason to think would be most agreeable to the people of this province, and the first step that ought to be taken; the former may be reserved as the last resort should the other fail. . . . We shall endeavor as soon as possible to collect the sentiments of the people of this province, and the neighboring colonies, on these grand questions."

Copies of these papers were forwarded to Virginia through the Maryland Committee, which wrote, May 25:

"We esteem it a very lucky circumstance, that your General Assembly is now sitting, as it affords so good an opportunity of instantly collecting the sense of your colony on a point on which the liberties of America must turn; and was it not absolutely necessary that measures should be instantly taken, we should have waited with pleasure your resolutions, which we cannot doubt will be formed on the same generous principles, which have hitherto actuated your colony on every late attempt against American Liberty."

They add that they will at once take the sense of their people on the question of entire non-importation from Great Britain, including a refusal to bring

suits for debts due to her inhabitants, until the Boston Port bill be repealed.

The Delaware Committee wrote May 26, suggesting a general congress, and their confidence that such a proposal, by one of the principal colonies, would be adopted by their people. They added :

“As the inhabitants of this colony entertain a high opinion of the zeal and firmness of those of your colony in the common cause of America, we are persuaded that their resolutions at this important crisis will have great weight here, and we will be glad to have your sentiments thereon.”

These letters were not received before Virginia had taken the step suggested by the Philadelphia and Delaware Committees ; which, as we have seen, had been determined on by the patriots in the Assembly under the lead of Mr. Henry before the letters were written to the Virginia Committee.

The action of Virginia was applauded to the echo.

The Connecticut Committee wrote, June 13 :

“The wise, spirited and seasonable proceedings of your truly patriotic House of Burgesses, in early proposing a correspondence between, and union of the colonies, has justly merited and universally received, the approbation and grateful acknowledgments of British America ; and the manly, pious and humane attention more lately manifested to the distresses of the town of Boston, reflects equal honor on them, as men, as patriots, and as Christians.”

The Pennsylvania Committee wrote, June 13 :  
“All America look up to Virginia to take the lead

on the present occasion," and requested Virginia to appoint the time and place for the congress.

The North Carolina Committee wrote, June 21 :

"We cannot enough applaud the generous spirit exhibited by the colony of Virginia upon this emergency, and wish the example may be as diffusive as it is truly laudable."

Very different was the effect of Virginia's proposal upon the Government, who saw in it the dreaded union of the colonies. On July 6, 1774, Lord Dartmouth wrote to Lord Dunmore :

"The information contained in your letter of May last, of what passed in Virginia in consequence of the measures pursued in Parliament, respecting the Town of Boston, has given me the greatest concern.

"There was reason to hope, from appearances in the other colonies, that the extravagant proposition of the people of Boston would have been everywhere disregarded. But it may now be well doubted, whether the extraordinary conduct of the Burgesses of Virginia, both before and after their dissolution as a House, may not become (as it has already become in other instances) an example to the other colonies."<sup>1</sup>

And on August 3, 1774, he wrote to Lord Dunmore :

"The proceedings of the Burgesses of Virginia do not encourage me to hope for a speedy issue to the present discussion, and we have seen too much of the prevalence of the example they have set the

<sup>1</sup> *Massachusetts Historical Collections*, ix., 719.

other colonies, not to be justly alarmed at what may be the result of the unconstitutional meeting they are endeavoring to promote."<sup>1</sup>

The fast proposed was very generally observed throughout the colony, and with the happiest effect. Mr. Jefferson, in his memoir, says of it:

"We returned home, and in our several counties invited the clergy to meet assemblies of the people on June 1, to perform the ceremonies of the day; and to address to them discourses suited to the occasion. The people met generally, with anxiety and alarm in their countenances, and the effect of the day, through the whole colony, was like a shock of electricity, arousing every man and placing him erect and solidly on his centre."

The excitement produced by the Boston Port bill was greatly intensified by intelligence of the other penal measures adopted by Parliament. These were Acts for regulating the Government of Massachusetts Bay, for administration of justice in that colony, for quartering of troops in any of the colonies, and for regulating the government of the Province of Quebec. By the first of these Acts the power to appoint the Council was taken from the Assembly; and town meetings, except for the selection of town officers, were not allowed without the special permission of the Governor. Sheriffs were to be appointed and removed by the Governor at pleasure, and the juries were to be selected by these dependent officers. By the second, magistrates, revenue officers, or soldiers, indicted for murder or

<sup>1</sup> Massachusetts Historical Collections, 721.



other capital offences, were to be tried in some other colony, or in Great Britain. By the third, troops, instead of being confined to their barracks in times of peace, might be quartered anywhere in the colonies. And by the fourth, the authority of Canada, with the Catholic religion, was extended over the vast region lying between the Ohio and the Mississippi Rivers. This denied to the inhabitants the privilege of the writ of *habeas corpus*, and all share in the administration of government.

While these measures were passing through Parliament, Rose Fuller moved a repeal of the tax on tea as an act of conciliation. A long and animated debate followed, made memorable by the magnificent speech of Burke, but the motion failed, only commanding forty-nine votes, the same number that opposed the Stamp Act, while one hundred and eighty-two voted against it.

To enforce these cruel measures General Thomas Gage was sent over with four regiments, having been commissioned as Commander-in-Chief for North America, and as Governor of Massachusetts.

These acts, intended to intimidate, made the colonies the more determined on united resistance, and the proposal of Virginia for a congress was generally approved. Every county in Virginia elected delegates to her proposed convention, and in many counties the people in public meetings declared their political sentiments, and instructed their representatives in a manner that showed their clear apprehension of the political issues at stake, and their firm determination to maintain their rights at all hazards.<sup>1</sup> As an example of these declarations and

<sup>1</sup> See these proceedings in American Archives, 4th series, i.

instructions, and as an indication of the position taken by Mr. Henry, who was in accord with his constituents, the proceedings of his county may be cited. They were printed in the *Gazette* as follows :

“At a meeting of the Freeholders of Hanover County, at the Court House, on Wednesday, July 20, 1774, the following address was agreed to :

“*To John Syme and Patrick Henry, junior, Esquires.*

“GENTLEMEN: You have our thanks for your patriotic, faithful and spirited conduct, in the part you acted in the late assembly, as our burgesses, and as we are greatly alarmed at the proceedings of the British parliament respecting the town of Boston, and the province of Massachusetts Bay, and as we understand a meeting of delegates from all the counties in this colony is appointed to be in Williamsburg on the first day of next month, to deliberate on our public affairs, we do hereby appoint you gentlemen, our delegates; and we do request you, then and there, to meet, consult, and advise, touching such matters as are most likely to effect our deliverance from the evils with which our country is threatened.

“The importance of those things which will offer themselves for your deliberation is exceedingly great; and when it is considered that the effect of the measures you may adopt will reach our latest posterity, you will excuse us for giving you our sentiments, and pointing out some particulars, proper for that plan of conduct we wish you to observe.

“We are free men; we have a right to be so; and to enjoy all the privileges and immunities of

our fellow-subjects in England ; and while we retain a just sense of that freedom, and those rights and privileges necessary for its safety and security, we shall never give up the right of taxation. Let it suffice to say, once for all, *we will never be taxed but by our own representatives* ; this is the great badge of freedom, and British America hath hitherto been distinguished by it ; and when we see the British parliament trampling upon that right, and acting with determined resolution to destroy it, we would wish to see the united wisdom and fortitude of America collected for its defence.

“The sphere of life in which we move hath not afforded us lights sufficient to determine with certainty, concerning those things from which the troubles at Boston originated. Whether the people there were warranted by justice, when they destroyed the tea, we know not ; but this we know, that the parliament by their proceedings, have made us and all North America parties in the present dispute, and deeply interested in the event of it ; insomuch that if our sister colony of Massachusetts Bay is enslaved, *we* cannot long remain free. Our minds are filled with anxiety when we view the friendly regards of our parent state turned into enmity ; and those powers of government, formerly exerted for our aid and protection, formed into dangerous efforts for our destruction. We read our intended doom in the Boston port bill, in that for altering the mode of trial in criminal cases, and finally in the bill for altering the form of government in the Massachusetts Bay. These several acts are replete with injustice and oppression, and strongly expressive of the future policy of Britain towards *all* her colonies ; if a full and uncontrolled operation is given to this detestable system in its earlier stages, it will probably be fixed upon us forever.

"Let it, therefore, be your great object to attain a speedy repeal of those acts; and for this purpose, we recommend the adoption of such measures as may produce the hearty union of all our country-men and sister colonies, UNITED WE STAND, DIVIDED WE FALL.

"To attain this wished-for union, we declare our readiness to sacrifice any lesser interest arising from a soil, climate, situation, or productions peculiar to us.

"We judge it conducive to the interests of America, that a general congress of deputies from all the colonies be held, in order to form a plan for guarding the claims of the colonists, and their constitutional rights, from future encroachment, and for the speedy relief of our suffering brethren at Boston. For the present, we think it proper to form a general association against the purchase of all articles of goods imported from Great Britain, except negro cloths, salt, saltpetre, powder, lead, utensils and implements for handy craftsmen and manufacturers, which cannot be had in America; books, paper, and the like necessities; and not to purchase any goods or merchandise that shall be imported from Great Britain, after a certain day that may be agreed on for that purpose, by the said general meeting of deputies at Williamsburg, except the articles aforesaid, or such as shall be allowed to be imported by the said meeting; and that we will encourage the manufactures of America by every means in our power. A regard to justice hinders us at this time from withholding our exports; nothing but the direct necessity shall induce us to adopt that proceeding, which we shall strive to avoid as long as possible.

"The African trade for slaves we consider as most dangerous to the virtue and welfare of this country; we therefore most earnestly wish to see it totally discouraged.

"A steady loyalty to the kings of England has ever distinguished our country; the present state of things here, as well as the many instances of it to be found in our history, leave no room to doubt it. God grant that we may never see the time when that loyalty shall be found incompatible with the rights of freemen. Our most ardent desire is, that we and our latest posterity may continue to live under the genuine, unaltered constitution of England, and be subjects, in the true spirit of that constitution, to his majesty and his illustrious house; and may the wretches who affirm that we desire the contrary, feel the punishment due to falsehood and villainy.

"While prudence and moderation shall guide your councils, we trust, gentlemen, that firmness, resolution, and zeal, will animate you in the glorious struggle. The arm of power, which is now stretched forth against us, is indeed formidable, but we do not despair. Our cause is good; and if it is served with constancy and fidelity, it cannot fail of success. We promise you our best support, and we will heartily join in such measures as a majority of our countrymen shall adopt for securing the public liberty.

"Resolved, that the above address be transmitted to the printers, to be published in the *Gazettes*.

"WILLIAM POLLARD, *Clerk*."

The plan of forcing a redress of grievances by commercial non-intercourse was generally suggested. The Boston Committee, writing to the counties and towns of Massachusetts, said, "It is the last and only method of preserving the land from slavery, without drenching it in blood." They urged the citizens to unite in a "solemn league and covenant," under oath not to buy goods from Great Britain, and to break off all dealings with those who did so, and to publish their names to the world. General

Gage, who had effectually closed the harbor of Boston, and was attempting to enforce the Acts of Parliament touching Massachusetts, issued his proclamation denouncing this covenant as illegal and traitorous, and ordering the arrest of all who signed or circulated it. The people took fire at this high-handed measure, and not only continued to sign the covenant, but refused obedience to the orders issued to carry into effect the changes in the charter. The people of Boston, so largely dependent on commerce, soon began to suffer for the necessities of life upon the closing of their harbor. Their streets were filled with soldiers who had fought on famous battle-fields in Europe, and their harbor was filled with men-of-war. But nothing daunted the spirit of the people. The country supplied the town with provisions, and urged it to stand firm. The people of the town held public meetings and denounced the tyranny under which they were suffering.

A sense of common danger pervaded every colony, and Committees of Correspondence were appointed in nearly every county and town, by which they were kept advised and united as to all the measures determined on. The sympathy for the people of Boston was not expended in resolutions, but provisions were contributed from all quarters for their support, the county of James City leading the way in Virginia, July 1, 1774.

The ministry had expected to see Boston deserted by America and humbled before the throne. Instead, they saw the town supported by a continent, and defiant in the presence of an army. The Virginia convention met August 1, at Williamsburg, and sat six days. In defiance of the

proclamation of General Gage, they unanimously agreed to a strict association, and recommended it to the inhabitants of the colony; whereby it was agreed to buy nothing, except medicines, imported from Great Britain after November 1, to buy no slaves imported from any place after that date, and to use no more tea. It was further agreed, that unless American grievances were redressed before August 10, 1775, they would not, after that date, export tobacco or any other article whatever to Great Britain.

They appointed as delegates to the Continental Congress: Peyton Randolph, Richard Henry Lee, George Washington, Patrick Henry, Richard Bland, Benjamin Harrison, and Edmund Pendleton.

The delegation was selected with the greatest care, regard being had to their talents, weight of character, and diversity of qualifications, and these were indicated on some of the ballots cast for them.<sup>1</sup> Thus Peyton Randolph was recommended by his personal dignity and acquaintance with rules of order; George Washington, by his military talents and experience; Richard Henry Lee by his persuasive oratory; Patrick Henry by his spirit-stirring eloquence, and because, moreover, he was the man of the people; Richard Bland was deemed the best writer in the colony, and the man best informed in its history; Edmund Pendleton was chosen for his consummate prudence, and thorough knowledge of law; and Benjamin Harrison, as fairly representing the feelings of the wealthy planters.<sup>2</sup>

An interesting and original sketch of the delegation is preserved in a letter of Mr. Roger Atkinson,

<sup>1</sup> MS. History of Virginia by Edmund Randolph.

<sup>2</sup> Tucker's Jefferson, vol. i., p. 68.

who lived near Petersburg, addressed to Samuel Pleasants.<sup>1</sup> Of Mr. Henry he says: "He is a real half Quaker—your brother's man—moderate and mild, and in religious matters a saint; but the very d——l in politics—a son of thunder. He will shake the Senate. Some years ago he had liked to have talked treason in the House." Of Mr. Randolph he says: "A venerable man, whom I well know and love; an honest man; has knowledge, temper, experience, judgment—above all integrity; a true Roman spirit. He I find is chairman. The choice will do honor to the judges, and the chairman will do honor to the choice." Of Mr. Lee he says: "I think I know the man, and I like him; need I say more? He was the second choice, and he was my second choice." Of Colonel Washington he says: "He is a soldier—a warrior; he is a modest man; sensible; speaks little; in action cool, like a Bishop at his prayers." Of Colonel Bland he says: "A wary old experienced veteran at the bar and in the senate; has something of the look of old musty parchments, which he handleth and studieth much. He formerly wrote a treatise against the Quakers on water baptism." Of Mr. Harrison he says: "He is your neighbor, and brother-in-law to the Speaker (Peyton Randolph). I need not describe him." Of Mr. Pendleton he says: "The last and best, though all good. The last shall be first says the Scripture. He is an humble and religious man, and must be exalted. He is a smooth-tongued speaker, and, though not as old, may be compared to old Nestor:

"Experienced Nestor, to persuasion skill'd,  
Words sweet as honey from his lips distill'd."

<sup>1</sup> Old Churches and Families of Virginia, by Meade, vol. i., p. 220.



But little has been preserved of the debates in this convention, but we know that Colonel Washington made a speech in which he said,<sup>1</sup> "I will raise one thousand men, subsist them at my own expense, and march myself at their head for the relief of Boston."

Mr. Jefferson was taken sick on his way to attend its session, and finding he would be prevented from taking his seat, he forwarded by express two copies of a draft of instructions for the delegates to Congress, one to Mr. Henry, and the other to Peyton Randolph who was expected to preside. This paper became famous afterward, as "A Summary View of the Rights of British America." It took the bold and radical ground that the colonies were independent in all respects of Parliament, and only bound to Great Britain, as Hanover was, by the tie of a common Executive, willingly submitted to, and thus their rightful sovereign. Mr. Jefferson afterward wrote in his "Memoir"<sup>2</sup> that "Mr. Henry probably thought it too bold as a first measure, as the majority of the members did. . . . Tamer measures were preferred and I believe wisely preferred; the leap I proposed being too long, as yet, for the mass of our citizens."

The paper which was thus "wisely preferred" is as follows:

*"Instructions for the Deputies appointed to meet in General Congress on the part of this Colony.*

"The unhappy disputes between *Great Britain* and her *American Colonies*, which began about the third year of the reign of his present Majesty,

<sup>1</sup> Works of John Adams, ii., 360.

<sup>2</sup> Note C to Memoirs.

and since continually increasing, have proceeded to lengths so dangerous and alarming, as to excite just apprehensions in the minds of his Majesty's faithful subjects of this Colony, that they are in danger of being deprived of their natural, ancient, constitutional, and chartered rights, have compelled them to take the same into their most serious consideration; and being deprived of their usual and accustomed mode of making known their grievances, have appointed us their Representatives, to consider what is proper to be done in this dangerous crisis of *American* affairs.

"It being our opinion that the united wisdom of *North America* should be collected in a general Congress of all the Colonies, we have appointed the Honourable *Peyton Randolph*, Esquire, *Richard Henry Lee*, *George Washington*, *Patrick Henry*, *Richard Bland*, *Benjamin Harrison* and *Edmund Pendleton*, Esquires, Deputies to represent this Colony in the said Congress, to be held at *Philadelphia*, on the first *Monday* in *September* next. And that they may be better informed of our sentiments touching the conduct we wish them to observe on this important occasion, we desire that they will express, in the first place, our faith and true allegiance to his Majesty, King *George* the Third, our lawful and rightful Sovereign; and that we are determined, with our lives and fortunes, to support him in the legal exercise of all his just rights and prerogatives; and however misrepresented, we sincerely approve of a constitutional connection with *Great Britain*, and wish most ardently a return of that intercourse of affection and commercial connection that formerly united both countries, which can only be effected by a removal of those causes of discontent which have of late unhappily divided us.

"It cannot admit of a doubt, but that *British* subjects in *America* are entitled to the same rights

and privileges as their fellow-subjects possess in *Britain*; and therefore that the power assumed by the *British* parliament, to bind *America* by their statutes, in all cases whatsoever, is unconstitutional, and the source of these unhappy differences.

"The end of Government would be defeated by the *British* Parliament exercising a power over the lives, the property and the liberty of *American* subjects, who are not, and from their local circumstances cannot be there represented. Of this nature we consider the several Acts of Parliament for raising a revenue in *America*; for the extending the jurisdiction of the Courts of Admiralty; for seizing *American* subjects, and transporting them to *Britain* to be tried for crimes committed in *America*; and the several late oppressive Acts respecting the town of *Boston* and province of *Massachusetts Bay*.

"The original Constitution of the *American* Colonies possessing their Assemblies with the sole right of directing their internal policy, it is absolutely destructive of the end of their institution that their Legislatures should be suspended, or prevented, by hasty dissolutions, from exercising their Legislative powers. Wanting the protection of *Britain*, we have long acquiesced in their Acts of Navigation restrictive of our commerce, which we consider as an ample recompense for such protection; but as those acts derive their efficacy from that foundation alone, we have reason to expect they will be restrained so as to produce the reasonable purposes of *Britain*, and not be injurious to us.

"To obtain redress of these grievances, without which the people of *America* can neither be safe, free, nor happy, they were willing to undergo the great inconvenience that will be derived to them from stopping all imports whatsoever from *Great Britain*, after the first day of *November* next, and

also to cease exporting any commodity whatsoever to the same place, after the 10th day of *August*, 1775. The earnest desire we have to make as quick and full payment as possible of our debts to *Great Britain*, and to avoid the heavy injury that would arise to this country from an earlier adoption of the non-exportation plan, after the people have already applied so much of their labour to the perfecting of the present crop, by which means they have been prevented from pursuing other methods of clothing and supporting their families, have rendered it necessary to restrain you in this article of non-exportation; but it is our desire that you cordially co-operate with our sister Colonies in general Congress, in such other just and proper methods as they, or the majority, shall deem necessary for the accomplishment of these valuable ends.

“The Proclamation issued by General *Gage*, in the Government of the Province of the *Massachusetts Bay*, declaring it treason for the inhabitants of that Province to assemble themselves to consider of their grievances, and form Associations for their common conduct on the occasion; and requiring the Civil Magistrates and officers to apprehend all such persons, to be tried for their supposed offences, is the most alarming process that ever appeared in a *British* Government; that the said General *Gage* hath thereby assumed and taken upon himself powers denied by the Constitution to our legal Sovereign; that he, not having condescended to disclose by what authority he exercises such extensive and unheard of powers, we are at a loss to determine whether he intends to justify himself as the Representative of the King, or as the Commander-in-chief of his Majesty's forces in *America*. If he considers himself as acting in the character of his Majesty's Representative, we would remind him that the statute, twenty-fifth, *Edward* the Third, has ex-

pressed and defined all treasonable offences, and that the Legislature of *Great Britain* hath declared that no offence shall be construed to be treason but such as is pointed out by that statute, and that this was done to take out of the hands of tyrannical Kings, and of weak and wicked Ministers, that deadly weapon which constructive treason had furnished them with, and which had drawn the blood of the best and most honest men in the Kingdom; and that the King of *Great Britain* hath no right by his Proclamation, to subject his people to imprisonment, pains, and penalties.

“That if the said General *Gage* conceives he is empowered to act in this manner, as the Commander-in-chief of his Majesty’s forces in *America*, this odious and illegal Proclamation must be considered as a plain and full declaration, that this despotick viceroy will be bound by no law, nor regard the constitutional rights of his Majesty’s subjects, whenever they interfere with the plan he has formed for oppressing the good people of *Massachusetts Bay*; and, therefore, that the executing, or attempting to execute, such Proclamation, will justify resistance and reprisal.”

## CHAPTER IX.

### POLITICAL FORECAST—1774.

New Assembly Ordered.—Same Members Returned.—Prorogued till November.—Governor Heads an Expedition against the Indians on the Ohio.—Battle of Point Pleasant.—Treaty with the Indians.—Resolutions of Officers to Offer Their Swords in Defence of American Liberty.—Dunmore Rebuked by Government, Which Did not Wish to Extend Settlements Westward.—Mr. Henry's Forecast of the Result of the Struggle Going on with England.—Sketch of Him at This Period by Edmund Randolph.—Entertained at Mount Vernon on His Way to Philadelphia.—Arrival with Washington and Pendleton.—Cordial Reception.—Character of the Congress.—Some of Its Principal Characters.—The Great Reputation with which He Took His Seat.

LORD DUNMORE had ordered writs on June 17, for the election of a new Assembly to meet August 11, hoping men of a different temper might be returned. But, finding the same members returned with scarcely an exception, he prorogued them on July 8, to the first Thursday in November, and on July 10, left Williamsburg for the northwestern part of the colony to prosecute the war with the Indians. The Governor had arranged the conduct of the campaign with General Andrew Lewis, of Botetourt, and Colonel Charles Lewis, of Augusta, both members of the Assembly. He was to command the troops to be raised in Frederick, Shenandoah, and the settlements toward Fort Pitt, and General Lewis to command those to be raised in Botetourt, Augusta, Culpeper, and Fincastle Coun-

ties. The Governor proceeded to Fort Pitt, which he now called Fort Dunmore, and promised to bring his men down the Ohio to the mouth of the Kanawha, where General Lewis was ordered to meet him. General Lewis reached the place appointed, after a difficult march, about October 1, but was disappointed in not finding the Governor or any tidings of him.

On the 9th an express arrived directing General Lewis to cross the Ohio, and meet him at the Shawanee towns, which were on the Scioto River. To obey the order General Lewis would be obliged to cross a tractless wilderness, and to meet first the Indian forces. These forces were nearer than Lewis supposed, for the morning following he was attacked by the combined army of the Shawanees, Delawares, Mingoes, and Iaways, under the command of the celebrated chief, Cornstalk. After a hard-fought battle he repulsed the savages with heavy loss on both sides. This is known as the battle of Point Pleasant. It was followed by the most important results. The Indians at once sued for peace, and the white settlements broken up by them were again extended to the Ohio River, and ever afterward firmly held. The Virginia troops were militia, mostly Scotch-Irish, accustomed to arms indeed, but untrained as soldiers, and yet they displayed the greatest firmness in battle. Among their foes was the most warlike of the Indian tribes, the Shawanee, which had been foremost in the defeat of Braddock in 1755, and of Grant in 1758, and was destined to gain more than one victory over the whites in after years.

This victory gave the greatest confidence to the

troops. The officers, flushed with victory, held a meeting at Fort Gower on November 5, and declared themselves ready, at the call of their country, to draw the sword in defence of American liberty.<sup>1</sup> Among these officers was Colonel William Christian, the brother-in-law of Mr. Henry, and a number of others who afterward distinguished themselves in the Revolution.

Lord Dunmore returned to Williamsburg December 4, and received the thanks of the colony for his conduct of the war, but it afterward became a matter of grave doubt whether he had not designed to sacrifice the gallant men under Lewis. While at Pittsburg he renewed his irritating measures toward Pennsylvania, and caused that colony to raise and keep up a regular force to counteract his designs.

His Excellency found on his return a letter from Lord Dartmouth, dated September 8, highly disapproving of his conduct in granting lands to settlers beyond the Alleghany Mountains, and distinctly stating the restrictive policy of the Government. He wrote: "The King, by the royal proclamation of 1763, forbad settlements beyond the heads of the rivers that fall into the Atlantic Ocean; and although his Majesty was graciously pleased to accept from the Six Nations a surrender of the Ohio, as low down as its confluence with the Cherokee River, yet such acceptance was accompanied with an order to Sir William Johnson, to assure these nations of his Majesty's firm resolution not to suffer any settlement to be made below the Kanawa River." In reference to the treaty with the Cherokees, fixing a

<sup>1</sup> American Archives, 4th series, i., 962. Fort Gower was at the junction of the Ohio and Hockhocking Rivers.



boundary to the settlements, he wrote: "By that treaty, which was concluded at Lockhaber on 18th of October, 1770, it was expressly stipulated, that the settlement of the King's subjects under the Government of Virginia, should be bounded by a line drawn in a certain direction from the mouth of the Kan-awa River to the boundary line of North Carolina. . . . It is the King's pleasure that you . . . exert every power and authority which the constitution has vested in you . . . to prevent any settlement whatever being made upon any pretence beyond the line settled at the Congress at Lockhaber, in October, 1770."<sup>1</sup>

This letter was, unconsciously to the writer, a rebuke to the motive which prompted the expedition just ended. Mr. Henry, while it was in progress, stated to Thomas Wharton, of Philadelphia, who was interested in western land purchases, that he "was at Williamsburg with Lord Dunmore when Dr. Connolly first came there, that Connolly is a chatty, sensible man, and informed Lord Dunmore of the extreme richness of the land which lay on both sides of the Ohio; that the prohibiting orders which had been sent him relative to the land on the hither side, had caused him to turn his thoughts to the opposite shore, and that as his Lordship was determined to settle his family in America, he was really pursuing this war in order to obtain by purchase or treaty from the nations a tract of territory on that side."<sup>2</sup>

By the treaty his Lordship made the Indians agreed to give up the lands east of the Ohio.<sup>3</sup>

<sup>1</sup> Massachusetts Historical Collections, x., 724.

<sup>2</sup> Thomas Wharton to Thomas Walpole, September 23, 1774. Letter book of Thomas and I. Wharton, Merchants of Philadelphia.

<sup>3</sup> Burke's History of Virginia, iii., 896.

The serious consequences which now seemed to threaten the colonies, because of their determination not to submit to the Acts of Parliament, did not alarm Mr. Henry. With that wonderful power of forecasting the future, which his knowledge of men gave him, he had anticipated that the stubbornness of the King and the subservience of Parliament to his will, met by the firm purpose of the colonies never to submit to their claims, would end in war. But he was convinced that in that war America would not be called upon to cope single-handed with Great Britain, and he was assured of the result. A correspondent of Mr. Wirt gave him an incident which fully attests this prescience.<sup>1</sup> These are his words :

“I am informed by Colonel John Overton, that before one drop of blood was shed in our contest with Great Britain, he was at Colonel Samuel Overton’s in company with Mr. Henry, Colonel Morris, John Hawkins, and Colonel Samuel Overton, when the last mentioned gentleman asked Mr. Henry ‘whether he supposed Great Britain would drive her colonies to extremities? And if she should, what he thought would be the issue of the war?’ When Mr. Henry, after looking around to see who was present, expressed himself confidentially to the company in the following manner: ‘She *will* drive us to extremities—no accommodation *will* take place—hostilities will *soon* commence—and a desperate and bloody touch it will be.’ ‘But’ said Colonel Samuel Overton, ‘do you think Mr. Henry, that an infant nation as we are, without discipline, arms, ammunition, ships of war or money to procure them—do you think it possible, thus circumstanced,

<sup>1</sup> Wirt’s Henry (ed. 1818), p. 93.

to oppose successfully the fleets and armies of Great Britain?' 'I will be candid with you,' replied Mr. Henry. 'I doubt whether we *shall* be able, *alone*, to cope with so powerful a nation. But,' continued he, (rising from his chair with great animation,) 'where is France? where is Spain? Where is Holland? the natural enemies of Great Britain—where will they be all this while? Do you suppose they will stand by, idle and indifferent spectators to the contest? Will Louis the XVI. be asleep all this time? Believe me, *no!* When Louis the XVI. shall be satisfied by our serious opposition, and our *Declaration of Independence*, that all prospect of reconciliation is gone, then, and not till then, will he furnish us with arms, ammunition and clothing; and not with these only, but he will send his fleet and armies to fight our battles for us; he will form with us a treaty offensive and defensive, against our unnatural mother. Spain and Holland will join the confederation! Our independence will be established, and we shall take our stand among the nations of the earth!' Here he ceased; and Colonel John Overton says at the word *independence*, the company appeared to be startled; for they had never heard before anything of the kind even suggested."

When this interview occurred is not definitely stated, but it is certain that Mr. Henry had been convinced before the meeting of Congress that no reconciliation would take place, and he did not hesitate to declare this conviction in debate.

As he was now about to enter upon a wider field, in which he was to be brought into direct contact with the wisdom and genius of the continent, it may be well to present him to the reader as he appeared to an able cotemporary, Edmund Randolph. This

writer,<sup>1</sup> after describing the aristocracy, which had controlled the colony, and lifted men into position, but which now gave way in the hour of peril to the true tests of leadership, "virtue, talents, and patriotism," gives most interesting sketches of the leaders in Virginia as they appeared in the beginning of 1774. To Mr. Henry he assigns the highest honor. He says :

"To Patrick Henry the first place is due, as being the first who broke the influence of that aristocracy. Little and feeble as it was, and incapable of daring to assert any privilege clashing with the right of the people at large, it was no small exertion in him to surprize them with the fact, that a new path was opened to the temple of honor, besides that which led through the favor of the King. He was respectable in his parentage; but the patrimony of his ancestors and of himself was too scanty to feed ostentation or luxury. From education he derived those manners which belongs to the real Virginian planter, and which were his ornament, in no less disdaining an abridgment of personal independence, than in observing every decorum, interwoven with the comfort of society. With his years the unbought means of popularity increased. Identified with the people, they clothed him with the confidence of a favorite son. Until his resolutions on the stamp act, he had been unknown, except to those with whom he had associated in the hardy sports of the field, and the avowed neglect of literature. Still he did not escape notice, as occasionally retiring within himself in silent reflection, and sometimes descanting with peculiar emphasis on the martyrs in the cause of liberty. This enthusiasm was nourished by his partiality for the dissenters from

<sup>1</sup> In his MS. History of Virginia in possession of the Virginia Historical Society.

the established church. He often listened to them, while they were waging their steady and finally effectual war against the burthens of that church, and from a repetition of his sympathy with the history of their sufferings, he unlocked the human heart, and transferred into civil discussions many of the bold licenses which prevailed in the religious. If he was not a constant hearer and admirer of that stupendous master of the human passions, George Whitfield, he was a follower, a devotee of some of his most powerful disciples at least. All these advantages he employed by a demeanor inoffensive, conciliating, and abounding in good humour. For a short time he practiced the law in an humble sphere, too humble for the real height of his powers. He then took a seat at the bar of the general court, the supreme tribunal of Virginia, among a constellation of eminent lawyers and scholars, and was in great request even on questions for which he had not been prepared by much previous erudition. Upon the theatre of legislation, he entered regardless of that criticism, which was profusely bestowed on his language, pronunciation and gesture. Nor was he absolutely exempt from an irregularity in his language, a certain homespun pronunciation, and a degree of awkwardness in the cold commencement of his gesture. But the corresponding looks and emotions of those whom he addressed, speedily announced, that language may be sometimes peculiar and even quaint, while it is at the same time expressive and appropriate; that a pronunciation which might disgust in a drawing room, may yet find access to the heart of a popular Assembly: and that a gesture at first too much the effect of indolence, may expand itself in the progress of delivery into forms, which would be above rule and compass, but strictly within the prompting of nature. Compared with any of his more refined

contemporaries, and rivals, he by his imagination, which painted to the soul, eclipsed the sparklings of art; and knowing what chord of the heart would sound in unison with his immediate purpose, and with what strength or peculiarity it ought to be touched, he had scarcely ever languished in a minority at the time up to which his character is now brought. Contrasted with the most renowned of British orators, the elder William Pitt, he was not inferior to him in the intrepidity of metaphor. Like him he possessed a vein of sportive ridicule, but without arrogance or dictatorial malignity. In Henry's exordium there was a simplicity and even carelessness, which to a stranger, who had never before heard him, promised little. A formal division of his intended discourse he never made but even the first distance, which he took from his main ground, was not so remote as to obscure it, or to require any distortion of his course to reach it. With an eye which possessed neither positive beauty, nor acuteness, and which he fixed upon the moderator of the assembly addressed, without straying in quest of applause, he contrived to be the focus, to which every person present was directed, even at the moment of the apparent languor of his opening. He transfused into the breast of others the earnestness depicted in his own features, which ever forbade a doubt of sincerity. In others rhetorical artifice, and unmeaning expletives have been often employed as scouts to seize the wandering attentions of the audience: in him the absence of trick constituted the triumph of nature. His was the only monotony which I ever heard reconcilable with true eloquence; its chief note was melodious, but the sameness was diversified by a mixture of sensations, which a dramatic versatility of action and countenance produced. His pauses, which for their length might sometimes be feared to dispel the attention,

rivetted it the more, by raising the expectation of renewed brilliancy. In pure reasoning he encountered many successful competitors; in the wisdom of books many superiors: but although he might be inconclusive, he was never frivolous; and arguments which at first seemed strange, were afterwards discovered to be select in their kind, because adapted to some peculiarity in his audience. His style of oratory was vehement, without transporting him beyond the power of self-command, or wounding his opponents by deliberate offense; after a debate had ceased, he was surrounded by them on the first occasion with pleasantry on some of its incidents. His figures of speech when borrowed, were often borrowed from the scriptures. The prototypes of others were the sublime scenes and objects of nature; and an occurrence at the instant he never failed to employ with all the energy of which it was capable. His lightning consisted in quick successive flashes, which rested only to alarm the more. His ability as a writer cannot be insisted on: nor was he fond of a length of details; but for grand impressions in the defence of liberty, the western world has not yet been able to exhibit a rival. His nature had probably denied to him, under any circumstances, the capacity of becoming Pitt, while Pitt himself would have been but a defective instrument in a revolution the essence of which was deep and pervading popular sentiment.

“In this embryo state of the revolution, deep research into the ancient treasures of political learning might well be dispensed with. It was enough to feel, to remember some general maxims coeval with the colony, and inculcated frequently afterwards. With principles like these, Mr. Henry need not dread to encounter the usurpation threatened by parliament; for although even his powerful eloquence could not create public sentiment, he could

apply the torch of opposition so as fortunately to perceive, that in every vicissitude of event he concurred with his country."

At the invitation of Washington, Mr. Henry and Mr. Pendleton visited him at Mount Vernon on their way to the congress. They spent a day and night with him, and were entertained most hospitably by Mrs. Washington, who fully sympathized with her husband's political views. Pendleton afterward wrote to a friend: "Mrs. Washington talked like a Spartan to her son on his going to battle. 'I hope you will all stand firm,' she said. 'I know George will.'" The three set off on horseback August 31, and reached Philadelphia September 4,<sup>1</sup> where they found the members nearly all arrived, and were heartily welcomed by them. John Adams, on meeting with some of the Virginia delegation, noted in his diary: "These gentlemen from Virginia appear to be the most spirited and consistent of any."<sup>2</sup>

All eyes were turned now to the congress, the patriots trusting to their wisdom and firmness for a deliverance from the thickening dangers which surrounded them, the British Government looking with alarm at the continent in counsel. General Adam Stephen expressed the feeling in America when he wrote, August 27, to R. H. Lee, and after stating that he had been ordered by Lord Dunmore to the Ohio, added: "This prevents my attending the General Congress, where I would expect to see the spirit of the Amphycctions shine as that illus-

<sup>1</sup> Extract from diary. Writings of Washington, ii., 503.

<sup>2</sup> Life and Works of John Adams, ii., 362.



trious council did in their purest times, before debauched with the Persian gold. The fate of America depends on your meeting, and the eyes of the European world hang upon you, waiting the event."<sup>1</sup> Lord Dartmouth expressed the fears of the Ministry in his letter of September 7, to Governor Penn,<sup>2</sup> in which he stated the great concern of the King at the meeting, gave the assurance that the complaints of the colonies coming from them separately would have greater weight, and added, "I can only express my wishes that the result of their proceedings may be such as not to cut off all hope of that union with the mother country which is so essential to the happiness of both."

In truth, never were more important interests committed to representatives, and never did representatives prove themselves more worthy of the trust committed to them by their constituents. The verdict of their cotemporaries, as of succeeding ages, has pronounced the body one of the most illustrious of which history has made record.

The members were leaders in their several colonies, men toward whom the people instinctively turned in their hour of peril, and in whom, in nearly every instance, they continued to repose confidence during the eventful years which followed. Of those who had already won enviable reputation, and were destined to greater distinction still, some were found on each delegation. Samuel and John Adams came from Massachusetts. The first, a truly great man, both in the grasp of his mind and in the firmness of his purpose. He was aptly designated

<sup>1</sup> American Archives, 4th series, i. 740. The writer urges preparations for war however.

<sup>2</sup> Idem, 774.

the "Palinurus of the Revolution." His ambition was satisfied, when his long service as a legislator was crowned by his selection as Governor of his State, a free and independent commonwealth. The second was a man of large capacity, brilliant, and of fervid eloquence, who filled a long list of honorable offices. He had the high distinctions of being one of the negotiators of the treaty with England which acknowledged American independence, the first American minister to the Court of St. James, the first Vice-president, and the second President of the United States. Roger Sherman and Silas Deane were among the delegation from Connecticut; the first noted for his intellect and integrity, and destined to serve his State with distinction in the United States Senate; the second a man of such talents and accomplishments as to be sent by the Congress to Europe as a negotiator of treaties, where he secured the important services of Lafayette and De Kalb. John Sullivan sat in the delegation from New Hampshire, one of the youngest men in the body, but one of the ablest and bravest. He left the hall of congress the next year for the camp, where he served his country as a general officer with great distinction, and after its independence was won, he again served it faithfully as a legislator, and ended his days as an honored judge of the United States. Rhode Island sent but two delegates, both men of deserved distinction, the venerable Stephen Hopkins and the gallant Samuel Ward, ex-Governors of the colony. With the New York delegation were found Philip Livingston, the merchant prince, and John Jay, whose talents for negotiation were to be brought into service not only in

the treaty for independence, but in the later commercial treaty with Great Britain, and who was to be the first Chief Justice of the United States. New Jersey presented as her leading man the accomplished William Livingston, who was to be her first Republican Governor, and to serve her in many offices with distinction. Pennsylvania had at the head of her delegation John Galloway, the clever Speaker of her Legislature, who proved to be a Tory in disguise. She afterward added to it his rival, John Dickinson, the learned author of the "Farmer's Letters," who was afterward to be successively the Republican Governor of Delaware and Pennsylvania. Delaware headed her delegation with Cæsar Rodney, who served her with great distinction in the field, in the Legislature, and in the Executive chair. Maryland was well represented by that staunch patriot, Thomas Johnson, who was ever as ready to fight as to vote, who became the first Governor of his State, and one of the judges of the Supreme Court of the United States. With him was the singularly gifted, but erratic Samuel Chase, who also served on that high court, and became the subject of a celebrated impeachment case, conducted by that eccentric genius, John Randolph, of Roanoke. Virginia shone resplendent in the constellation which composed her delegation. Upon one of her members, then only known as a gallant but modest soldier, bearing the rank of Colonel, mankind have delighted to heap their praises, not only styling him *Pater Patriæ*, but declaring him to be the greatest of good men, and the best of great men. North Carolina's most prominent delegate was her adopted son, William Hooper, whose eloquence

caused John Adams to class him with Henry and Lee as the orators of the body. South Carolina also furnished an orator of great power in John Rutledge, her future war Governor, and the third Chief Justice of the United States; but no colony sent a nobler man, or firmer patriot, than her Christopher Gadsden, afterward a distinguished General in the Revolution.

Nor does this list exhaust the roll of great men who composed the congress; it only gives the names of some of the most prominent, who were *primi inter pares*.

In such a body of great characters Mr. Henry was now to appear, and to sustain his reputation, already earned in Virginia, as the "Demosthenes of the Age."<sup>1</sup>

<sup>1</sup> Life and Works of John Adams, ii., 357.

## CHAPTER X.

### CONTINENTAL CONGRESS—1774.

**Meeting of Congress.—Mr. Henry Opens its Discussions.—Question of Representation.—Work of the Congress.—Proposal of Joseph Galloway Opposed by Mr. Henry, who Declares He Expects Their Measures to Lead to War.—Virginia Leads the Congress.—Mr. Henry and R. H. Lee on Nearly All the Committees.—The Addresses Put Forth by the Body.—Mr. Henry's Want of Confidence in Their Effect.—Their Impression in America and England.—Their Authorship.—Impressions Made by Mr. Henry on the Body.—His Estimate of John Rutledge and George Washington.**

On Monday, September 5, 1774, the delegates assembled at the City Tavern, and walked to Carpenters' Hall, which had been offered them as a place of meeting. On the motion of Mr. Lynch, of South Carolina, Peyton Randolph was unanimously chosen president, and Charles Thomson, of Philadelphia, secretary. The commissions of the members were then read, and thereupon Mr. Duane, of New York, moved the appointment of a committee to prepare regulations for the Congress. Several members objected. John Adams asked what particular regulations were intended, and Mr. Duane mentioned particularly the method of voting, whether it should be by colonies, or by poll, or by interests. Thus at the outset arose a question of the greatest importance, one which continually threatened disunion afterward, and was only finally adjusted in the compromise effected in the composition of the Senate and

House of Representatives under the United States Constitution. If the vote should be by colonies, the small would weigh equally with the large, and great injustice would be done; if by poll, the unequal delegations would also work injustice; if by interests, the body had not data with which to estimate the weight of each colony. The difficulty of the question impressed the body, and a deep silence ensued. Charles Thomson is said to have described the scene afterward as follows:<sup>1</sup> "None seemed willing to break the eventful silence, until a grave looking member, in a plain dark suit of minister's gray, and unpowdered wig, arose. All became fixed in attention on him.

*Conticuere omnes, intenti quæ ora tenebant.*

Then, Mr. Thomson said, he felt a sense of regret that the seeming country parson should so far have mistaken his talents, and the theatre for their display. But as he proceeded, he evinced such unusual force of argument, and such novel and impassioned eloquence, as soon electrified the house. Then the excited inquiry passed from man to man, Who is it? Who is it? The answer from the few who knew him was, It is PATRICK HENRY!

*Ille regit dictis animos et pectora mulcet."*

We have also another sketch of the scene in the following account given by Mr. Thomson of the circumstances under which he assumed the duties of his office.

"I was married to my second wife on a Thursday; on the next Monday, I came to town to pay

<sup>1</sup> Watson's Annals, i., 421.

my respects to my wife's aunt and the family. Just as I alighted in Chestnut Street, the door-keeper of Congress (then first met) accosted me with a message from them, requesting my presence. Surprised at this, and not able to divine why I was wanted, I however bade my servant put up the horses, and followed the messenger myself to the Carpenters' Hall, and entered Congress. Here was indeed an august assembly, and deep thought and solemn anxiety were observable on their countenances. I walked up the aisle and standing opposite to the President I bowed, and told him I awaited his pleasure. He replied, 'Congress desire the favor of you, sir, to take their minutes.' I bowed in acquiescence, and took my seat at the desk. After a short silence, Patrick Henry arose to speak. I did not then know him; he was dressed in a suit of parson's gray, and from his appearance, I took him for a Presbyterian clergyman, used to haranguing the people. He observed that we were here met in a time and on an occasion of great difficulty and distress; that our public circumstances were like those of a man in deep embarrassment and trouble, who had called his friends together to devise what was best to be done for his relief;—one would propose one thing, and another a different one, whilst perhaps a third would think of something better suited to his unhappy circumstances, which he would embrace, and think no more of the rejected schemes with which he would have nothing to do. I thought that this was very good instruction to me, with respect to the taking the minutes. What Congress adopted, I committed to writing; with what they rejected I had nothing farther to do; and even this method led to some squabbles with the members who were desirous of having their speeches and resolutions, however put to rest by the majority, still preserved upon the minutes."<sup>1</sup>

<sup>1</sup> American Quarterly Review, I., 30.

Besides these recollections of Mr. Thomson, nothing authentic remains of this speech, except the following condensed abstract in the diary of John Adams.<sup>1</sup>

"Mr. Henry then arose, and said this was the first General Congress which had ever happened; that no former congress could be a precedent; that we should have occasion for more general congresses, and therefore that a precedent ought to be established now; that it would be great injustice if a little colony should have the same weight in the councils of America as a great one, and therefore he was for a committee."

On the next day the discussion was continued, and Mr. Adams made the following brief of Mr. Henry's speech:<sup>2</sup>

"*Mr. Henry.* Government is dissolved. Fleets and armies and the present state of things show that government is dissolved. Where are your landmarks, your boundaries of colonies? We are in a state of nature, sir I did propose that a scale should be laid down; that part of North America which was once Massachusetts Bay, and that part which was once Virginia, ought to be considered as having a weight. Will not people complain? Ten thousand Virginians have not outweighed one thousand others.

"I will submit, however; I am determined to submit, if I am overruled.

"A worthy gentleman (*ego*) near me seemed to

<sup>1</sup> *Life and Works of John Adams*, ii., 365.

<sup>2</sup> The editor of Mr. Adams's works puts this as part of the first day's discussion, but it is evident that he is mistaken, as the diary shows that Richard Henry Lee took part in it, and the Journal shows that he did not take his seat till the second day.



admit the necessity of obtaining a more adequate representation.

"I hope future ages will quote our proceedings with applause. It is one of the great duties of the democratical part of the constitution to keep itself pure. It is known in my Province that some other Colonies are not so numerous or rich as they are. I am for giving all the satisfaction in my power.

"The distinctions between Virginians, Pennsylvanians, New Yorkers, and New Englanders, are no more. I am not a Virginian, but an American.

"Slaves are to be thrown out of the question, and if the freemen can be represented according to their numbers, I am satisfied."

Mr. Lee, who had taken his seat that morning, and others, objected that they had not the material to estimate the weight of the colonies. And Mr. Henry added :

"I agree that authentic accounts cannot be had, if by authenticity is meant attestations of officers of the Crown. I go upon the supposition that government is at an end. All distinctions are thrown down. All America is thrown into one mass. We must aim at the minutiae of rectitude."

This meagre account of speeches, which according to tradition were of great power, is very valuable in showing Mr. Henry's view of the effect of the measures of Great Britain upon America. He held that these acts, so subversive of the charter rights of America, had virtually destroyed constitutional government in the colonies, and America must now provide for her own proper government. His declaration that the colonies were no longer to be regarded as dis-

connected, but as forming a united people, summed up in the sentence, "I am not a Virginian, but an American," shows how clearly he had read the meaning of passing events, and saw their inevitable results. That patriotic utterance was in truth a prophecy of the future United States of America.

In opposing Mr. Henry's views Mr. Jay paid a handsome tribute to Virginia, saying, "To the virtue, spirit, and abilities of Virginia we owe much. I should always, therefore, from inclination as well as justice, be for giving Virginia its full weight."

The difficulty of ascertaining the relative population or wealth of the colonies, determined the body to vote by colonies as units, but in order to prevent this from being drawn into a precedent, the resolution was adopted in the following form.

*"Resolved, That in determining questions in this congress, each colony or province shall have one vote. The congress not being possessed of, or at present able to procure proper materials for ascertaining the importance of each colony."*

After determining to sit with closed doors, the proceedings only to be divulged when ordered by a majority, they resolved, first, "That a committee be appointed to state the rights of the colonies in general, the several instances in which these rights are violated or infringed, and the means most proper to be pursued for obtaining a restoration of them;" and second, "That a committee be appointed to examine and report the several statutes which affect the trade and manufactures of the colonies."

During the evening an express arrived bringing an exciting rumor of the bombardment of Boston by

the British ships, and the rising in arms of the people of Massachusetts and Connecticut. The next morning the tolling of muffled bells called the people together to hear the terrible news, and "War! War! War!" was the cry which filled the city. In the midst of this intense excitement Congress met, and their session was opened with religious services by Mr. Duché, an Episcopal minister, who read as the lesson of the day the thirty-fifth psalm, and followed it with an extempore prayer of great eloquence and fervor. With hearts staid on God, and without trepidation, the members entered on their duties; two members from each colony were chosen for the first committee, and one from each colony for the second. Mr. Lee and Mr. Pendleton were put on the first and Mr. Henry on the second. The body then entered the orders necessary to complete their organization, and adjourned, subject to the call of the president, to enable the committees to prepare their work. On the next day an express from Boston brought the happy news that no blood had been shed. The alarm had been caused by General Gage sending a military force on September 1, to take away the provincial powder from Cambridge. The alarm had caused a number of men to arm themselves, and start for Boston, but on learning the truth they had returned to their homes.

The temper of the people, so unmistakably shown, alarmed General Gage. He took steps to concentrate all the British soldiers in America, ten regiments, at Boston, and wrote to England for reinforcements. He proposed also to raise a body of Indian forces, hoping to strike terror into the hearts of the patriots. On September 5, the day the

Congress met, General Gage commenced to erect fortifications on the neck which formed the only entrance by land into Boston. On the next day delegates from every town and district of the county of Suffolk met in convention to consider the situation. At an adjourned meeting on the 9th resolutions prepared by the celebrated Dr. Joseph Warren were adopted, and ordered to be forwarded to the Congress. These were more advanced than any public action yet taken. They declared among other things that the King rules by compact with the people, whose allegiance depends on his keeping his covenant; that the act for altering their charter was unconstitutional and void, and the officers appointed under it should resign; that no taxes should be paid to the treasurer recognized by General Gage; and that a provincial Congress should be held to consult as to the measures to be adopted in the present emergency. They expressed a determination to act on the defensive, so long as it was reasonable and requisite for self-preservation, and no longer; and in case General Gage should make any political arrests, to seize the crown officers as hostages; and they arranged a system of couriers for the corresponding committees of the colony.

These bold resolves were laid before Congress the 17th and excited the liveliest interest. On the motion of Mr. Lee resolutions were adopted approving of the conduct of Massachusetts in resisting the late Acts of Parliament, encouraging a continuance in the same firm and temperate conduct, and advising a continuance of the contributions from the several colonies for the relief of the people of Boston. These resolutions, and those of the county of Suffolk were

ordered to be published. Mr. Adams wrote in his diary : "This was one of the happiest days of my life. In Congress we had generous, noble sentiments, and manly eloquence. This day convinced me that America will support the Massachusetts or perish with her."

It cannot be believed that Mr. Henry did not take a prominent part in the proceedings, and contribute his share of the "manly eloquence," though we have no record of the speakers. The Suffolk resolves very certainly excited his sympathy, as they contained the sentiments he had invariably expressed. On the same day the report of the Committee on Statutes affecting trade was brought in. This report was referred on the 19th to the Committee on Rights, etc., and Mr. Cushing, Mr. Henry, and Mr. Mifflin were added to that committee.

In that committee most interesting and able debates had arisen on two questions of great importance and delicacy. First, on what grounds to base colonial rights; whether on the British Constitution and colonial charters solely, or on the law of Nature as well. Second, what authority should be conceded to Parliament. Upon these questions the members divided. Those who were for making everything bend to the preservation of American liberty, were for recurring to the law of Nature, and for conceding the least authority to Parliament; while those who were for making everything bend to the preservation of the connection with Great Britain, were for relying on the Constitution, charters, and grants, and for allowing all power to Parliament except that of taxation. Of the first, in the original committee, Lee and John Adams

seemed to have been the leaders; of the second, Galloway and Duane. The matter was referred to a sub-committee, and after considerable discussion in that, it was determined to base their rights on "the immutable laws of Nature, the principles of the English Constitution, and the several charters or compacts." But the authority of Parliament, which was the essence of the controversy, was much more difficult of adjustment. Finally, at the instance of John Rutledge, John Adams drew an article which claimed for the colonial legislatures "exclusive power of legislation, in all cases of taxation and internal polity. But from the necessity of the case, and a regard to the mutual interests of both countries, cheerfully consenting to the operation of such acts of the British Parliament as are *bona fide* restrained to the regulation of our external commerce : . . . excluding every idea of taxation, internal or external, for raising a revenue on the subjects in America without their consent." Although no one seemed to be fully satisfied with this, nothing could be suggested which was more satisfactory,<sup>1</sup> and it was finally adopted. This concession of parliamentary power over commerce shows that their aim was not independence.

Another matter of difficulty now presented itself. How far back should they seek for infringements of rights. This was finally determined by fixing on the year 1763, the end of the French War. This date was fixed by the Virginians wisely uniting with the less resolute members, who were desirous of avoiding merely abstract principles which might stand in the way of reconciliation.<sup>2</sup>

<sup>1</sup> Adams's Autobiography, Life and Works of J. Adams, ii. 374.   <sup>2</sup> Id. 376.

Upon the report of this committee Congress determined, before acting on it, to "deliberate on the means most proper to be pursued for a restoration of our rights." This was the great object for which the Congress had assembled, and both the object, and the manner of accomplishing it, had been distinctly set forth in the resolutions of the Virginia convention appointing delegates. These were said to be, "to consider of the most proper and effectual manner of so operating on the commercial connections of the colonies with the mother country, as to procure redress for the much injured Province of Massachusetts Bay; to secure British America from the ravage and ruin of arbitrary taxes, and as speedily as possible to procure the return of that harmony and union so beneficial to the whole Empire, and so ardently desired by all British America." And in their instructions to the delegates the convention had expressed their willingness to fix November 1, 1774, as a day for stopping all imports, and August 10, 1775, for stopping all exports. This was considered as a refusal on the part of Virginia to consent to earlier dates, while it was believed by many that to give efficient relief to Boston and Massachusetts these measures ought to take effect at once. Mr. Henry did not believe that these measures would cause the desired change in the British policy. Yet, for the sake of unanimity, he was willing that they should be tried. He was not willing, however, that either of the measures should be enforced without fair warning to the American merchants, who would otherwise be ruined. This is indicated by the note made by John Adams of the debate on fixing the date for non-importation, in

which he represents Mr. Henry as saying: "We don't mean to hurt even our rascals, if we have any. I move that December may be inserted instead of November."

This motion prevailed, and it was determined to fix December 1, 1774, for non-importation, and September 10, 1775, for non-exportation, in case the obnoxious Acts were not then repealed.

In order to give efficiency to these measures, it was necessary that they should be universally observed, and to effect this the Congress recommended that a committee be chosen in every county, city, and town in America, charged with the duty of enforcing their observance. This recommendation resulted in an organization of great power and usefulness, and of vital importance in the struggle which followed.

These measures were at first framed so as to embrace all articles of trade with England, but so dependent was South Carolina upon the sale of her rice, that her delegates insisted on excepting it, and being refused, they all, except Gadsden,<sup>1</sup> withdrew from the Congress for several days. For the sake of harmony rice was finally excepted, and the Articles of Association, as the resolutions were called, were signed by the members October 20.

While Congress was in the midst of this important and delicate subject, and greatly perplexed, a proposal was sprung upon the body by Joseph Gal-

<sup>1</sup> This unselfish man was one of the most determined and unflinching of the patriots. In one of the debates of the body he is represented by Elliott in his *New England History*, as saying: "Our seaport towns are composed of brick and wood. If they are destroyed we have clay and lumber enough to rebuild them. But if the liberties of our country are destroyed where shall we find the materials to replace them?"



loway, which came near changing the future destiny of America. Galloway was a Tory at heart, as was manifested afterward when he openly espoused the cause of Great Britain. He claimed in the Congress to be true to the cause of America, while he was acting the spy and reporting to Governor Franklin.<sup>1</sup> Before he took his seat he had drawn up a plan of union between the colonies and Great Britain, which he submitted to two royal Governors, Franklin of New Jersey, and Colden of New York; and with their sanction, and possibly that of the Ministry, on September 28, he introduced the following insidious paper, based on the proposal of Benjamin Franklin to the convention at Albany in 1754, and by that body approved.

“*Resolved*, That this Congress will apply to his Majesty for a redress of grievances, under which his faithful subjects in *America* labour, and assure him that the Colonies hold in abhorrence the idea of being considered independent communities on the *British* Government, and most ardently desire the establishment of a political union, not only among themselves, but with the mother state, upon those principles of safety and freedom which are essential in the constitution of all free governments, and particularly that of the *British* Legislature. And as the Colonies from their local circumstances cannot be represented in the Parliament of *Great Britain*, they will humbly propose to his Majesty, and his two Houses of Parliament, the following Plan, under which the strength of the whole Empire may be drawn together on any emergency; the

<sup>1</sup> See Galloway's letters to Governor Franklin and letter of Franklin to Dartmouth, in Aspinwall Papers, Massachusetts Historical Collections, x, 706-710.

interests of both countries advanced; and the rights and liberties of *America* secured:

"A Plan for a proposed Union between *Great Britain* and the Colonies of *New-Hampshire*, the *Massachusetts Bay*, *Rhode Island*, *Connecticut*, *New-York*, *New-Jersey*, *Pennsylvania*, *Maryland*, the three lower Counties on the *Delaware*, *Virginia*, *North Carolina*, *South Carolina*, and *Georgia*.

"That there be a *British* and *American* Legislature, for regulating the administration of the general affairs of *America*, including all the said Colonies; within, and under which Government, each Colony shall retain its present Constitution and powers of regulating and governing its own internal police in all cases whatever.

"That the said Government be administered by a President General to be appointed by the King, and a Grand Council to be chosen by the Representatives of the people of the several Colonies in their respective Assemblies, once in every three years.

"That the several Assemblies shall choose Members for the Grand Council in the following proportions, viz.:

New-Hampshire,	.....	Delaware Counties,	.....
Massachusetts Bay,	.....	Maryland,	.....
Rhode-Island,	.....	Virginia,	.....
Connecticut,	.....	North Carolina	.....
New-York,	.....	South Carolina	.....
New-Jersey,	.....	Georgia,	.....
Pennsylvania,	.....		

Who shall meet at the city of . . . . . for the first time, being called by the President General as soon as conveniently may be after his appointment. That there shall be a new election of Members for the Grand Council every three years; and on the death, removal, or resignation of any Member, his place shall be supplied by a new choice at

the next sitting of Assembly of the Colony he represented.

“That the Grand Council shall meet once in every year if they shall think it necessary, and oftener, if occasions shall require, at such time and place as they shall adjourn to at the last preceding meeting, or as they shall be called to meet at, by the President General on any emergency. That the Grand Council shall have power to choose their Speaker, and shall hold and exercise all the like rights, liberties, and privileges as are held and exercised by and in the House of Commons of *Great Britain*.

“That the President General shall hold his office during the pleasure of the King, and his assent shall be requisite to all Acts of the Grand Council, and it shall be his office and duty to cause them to be carried into execution.

“That the President General, by and with the advice and consent of the Grand Council, hold and exercise all the Legislative rights, powers, and authorities, necessary for regulating and administering all the general police and affairs of the Colonies, in which *Great Britain* and the Colonies, or any of them, the Colonies in general, or more than one Colony, are in any manner concerned, as well civil and criminal as commercial.

“That the said President General and Grand Council be an inferiour and distinct branch of the *British* Legislature, united and incorporated with it for the aforesaid general purposes; and that any of the said general regulations may originate, and be formed and digested, either in the Parliament of *Great Britain* or in the said Grand Council; and being prepared, transmitted to the other for their approbation or dissent; and that the assent of both shall be requisite to the validity of all such general Acts and Statutes.

“That in time of war, all Bills for granting aids

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to the Crown, prepared by the Grand Council, and approved by the President General, shall be valid and passed into a law without the assent of the *British* Parliament.”<sup>1</sup>

Mr. Adams in his diary noted the debate on this proposal. Galloway's speech displayed considerable ability, and great subtlety. He pointed out the inefficiency of non-importation as a measure of relief for Boston, which would be obliged to succumb before the people of England would be seriously affected. Non-exportation he declared, if enforced, would destroy America, or so weaken her as to make her unfit for the war which might follow. He gave a history of the origin of the colonial troubles, so coloring it as to throw much of the blame on America. Claiming to be “as much a friend of liberty as exists,” he argued that it was necessary for America to continue the union with England, enjoy her protection, and repay her by allegiance. He urged that from the necessity of things the power to regulate trade must be somewhere, and that the empire could not exist, if this power be divided among its parts, and not exercised by the whole as a unit.

Duane seconded the proposal, and it was advocated by Jay and Edward Rutledge. Lee seemed to be in doubt. After praising the colonial government before 1763 he added: “This plan would make such changes in the legislature of the colonies, that I could not agree to it without consulting my constituents.” Mr. Henry alone is represented as opposing it in the debate. The note made by Mr.

<sup>1</sup> American Archives, 4th series, i., 905.

Adams of his speech is very meagre, yet enough is preserved to indicate the firmness of his purpose, the clearness of his political vision, and the fearlessness of his utterances. He is represented as saying:

“The original constitution of the colonies was founded on the broadest and most generous base. The regulation of our trade was compensation enough for all the protection we ever experienced from her [England]. We shall liberate our constituents from a corrupt House of Commons, but throw them into the arms of an American legislature, that may be bribed by that nation which avows, in the face of the world, that bribery is a part of her system of government.

“Before we are obliged to pay taxes as they do, let us be as free as they; let us have our trade with all the world. We are not to consent by the representatives of representatives. I am inclined to think the present measures lead to war.”

This proposal is said to have been defeated by only one vote.<sup>1</sup> Mr. Galloway in after years claimed that it came very near being carried. After its defeat it was deemed best by the body to strike out of the record all mention of it, and so its history cannot be traced on the printed Journal. The action of Congress on it constitutes a crisis in the history of America. Had it been adopted by that body it would in all probability have been agreed to by Parliament, and the independence of the colonies would have been indefinitely postponed, with the wondrous results which have followed in its train. We learn from Mr. Galloway that Mr. Sam-

<sup>1</sup> *Life and Works of John Adams*, ii., 377 and 387.

uel Adams was active in defeating his scheme,<sup>1</sup> and to Mr. Henry and Mr. Samuel Adams doubtless the honor belongs, of saving America from a continued colonial dependence on England.

Having determined on non-importation, non-consumption, and non-exportation, as measures which would force Great Britain to respect American rights, and appointed a committee to draw up a plan for carrying them into effect, the Congress on October 1, determined to address the King upon the subject of their grievances, entreating him to interpose for their relief; and appointed Mr. Lee, J. Adams, Mr. Johnson, Mr. Henry, and Mr. J. Rutledge, a committee to prepare the address. So important was this paper considered, that the Congress spent three days in debating what it should contain, and in giving instructions to the committee.

On the 6th an express from Boston brought a letter from the Committee of Correspondence, stating that General Gage was continuing the erection of fortifications, and there was reason to believe that when the town was enclosed, the inhabitants would be held as hostages for the submission of the country; they therefore desired the advice of Congress. If it was deemed best that the inhabitants should quit the town, they were ready to obey; if it was deemed best for the common cause that they maintain their ground, they were ready to suffer any hardship and danger; and finally, that as the late Acts of Parliament had prevented the due administration of justice in Massachusetts, and the Governor had prevented the

<sup>1</sup> Note to examination of Joseph Galloway before Parliament, in 1779.

meeting of the General Court, they desired the advice of Congress as to how to act during this suspension of laws. The Congress thereupon sent a letter to General Gage, representing themselves as guardians of the rights and liberties of the colonies, and expressing, "the deepest concern, that while they were pursuing every dutiful and peaceable measure to procure a cordial and effectual reconciliation between Great Britain and the colonies, his Excellency should proceed in a manner that bears so hostile an appearance."

Having determined on this letter, it was resolved, "that this Congress approve the opposition of the inhabitants of the Massachusetts Bay to the execution of the late Acts of Parliament; and if the same shall be attempted to be carried into execution by force, in such case all America ought to support them in their opposition."

This resolution was stoutly opposed by Galloway and Duane, who when outvoted asked leave to enter a protest on the Journal. This was refused them, and they exchanged memoranda with each other, to preserve the evidence that they had opposed it as treasonable.<sup>1</sup>

Congress further resolved, that the question of a removal of the inhabitants of Boston from the town should be left to the Colonial Assembly, and in case that body ordered the removal, all America ought to recompense the inhabitants for their losses. It was also recommended to the people of Massachusetts, to submit for the present to a suspension of the administration of justice, and to avoid, as far as it was possible to do so, any conflict with the Brit-

<sup>1</sup> Rise of the Republic, 369.

ish troops, taking care to act firmly on the defensive.

On October 11, Mr. Lee, Mr. Livingston, and Mr. Jay, were appointed a committee to prepare a memorial to the people of British America, and an address to the people of Great Britain.

On this day Mr. Adams made the following interesting entry in his diary. "Spent the evening with Mr. Henry at his lodgings, consulting about a petition to the King. Henry said he had no public education; at fifteen he read Virgil and Livy, and has not looked into a Latin book since. His father left him at that age<sup>1</sup> and he has been struggling through life ever since. He has high notions, talks of exalted minds, etc. He has a horrid opinion of Galloway, Jay and the Rutledges. Their system, he says, would ruin the cause of America. He is very impatient to see such fellows, and not be at liberty to describe them in their true colors."

This estimate of Galloway, Jay, and the Rutledges, was sufficiently justified by the course pursued by them severally touching the Galloway plan of settlement, the non-exportation resolution, and the determination to support the people of Massachusetts in their opposition to their new charter at all hazards; in some of which measures, and probably in all, they directly antagonized the views of Mr. Henry and the majority of Congress.

Fully aware as Mr. Henry was of the perilous position of the colonies, and the necessity of ener-

<sup>1</sup> This was a misapprehension on the part of Mr. Adams. Mr. Henry's father put him to business at fifteen, and this was what Mr. Henry alluded to.



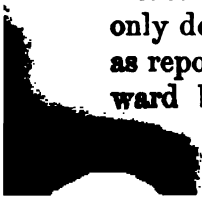
getic counsels, yet he saw the greater necessity of a united people, and he forbore to drive off men of influence by attacking with his powers of invective their half-hearted measures. The wisdom of this course was fully demonstrated, by the final alignment of the true but halting Whigs with the front rank of the patriots.

On October 21, in order to meet the threats of arrest of some of the members, which had been freely made, Congress determined that the arrest of any one to be transported beyond the seas for trial, should be met with resistance and reprisal.

John Dickinson, who had been added to the Pennsylvania delegation on the 13th, took his seat on the 17th, and on the 21st was put on a committee with Mr. Cushing and Mr. Lee to prepare an address to the people of Quebec, and letters to the colonies of St. John, Nova Scotia, Georgia, and East and West Florida, which had no delegates in the Congress.

After the adoption of the several papers ordered the Congress adjourned on October 26, with a recommendation that another be held on May 10, following, unless a redress of grievances should be granted by Great Britain before that date.

That the action of the Congress would result in a redress of grievances was the confident belief of nearly all of the members, and of the people generally. This is abundantly shown by cotemporaneous testimony. But Mr. Henry was of a different opinion, and while willing to try the proposed measures he was for preparing for the worst. Not only does his speech on Galloway's plan show this, as reported by John Adams, but Mr. Adams afterward bore explicit testimony to the fact. In a



letter<sup>1</sup> to William Wirt, dated January 23, 1818, he said :

“ When Congress had finished their business, as they thought, in the autumn of 1774, I had with Mr. Henry, before we took leave of each other, some familiar conversation, in which I expressed a full conviction that our resolves, declarations of rights, enumeration of wrongs, petitions, remonstrances, and addresses, associations, and non-importation agreements, however they might be expected by the people in America, and however necessary to cement the union of the colonies, would be but waste paper in England. Mr. Henry said they might make some impression among the people of England, but agreed with me that they would be totally lost upon the government. I had but just received a short and hasty letter, written to me by Major Joseph Hawley, of Northampton, containing ‘a few broken hints’ as he called them, of what he thought was proper to be done, and concluding with these words: ‘*After all we must fight.*’ This letter I read to Mr. Henry, who listened with great attention; and as soon as I had pronounced the words, ‘*After all we must fight,*’ he raised his head, and with an energy and vehemence, that I can never forget, broke out with, ‘*By G——D, I AM OF THAT MAN’S MIND.*’ I put the letter into his hand, and when he had read it, he returned it to me with an equally solemn asseveration, that he agreed entirely in opinion with the writer. I considered this as a sacred oath, upon a very great occasion, and could have sworn it as religiously as he did, and by no means inconsistent with what you say, in some part of your book, that he never took the sacred name in vain. . . . The other delegates from Virginia returned to their state, in full confidence that all

<sup>1</sup> Life and Works of John Adams, x., 277.

our grievances would be redressed. The last words that Richard Henry Lee said to me, when we parted, were, '*We shall infallibly carry all our points, you will be completely relieved; all the offensive acts will be repealed; the army and fleet will be recalled, and Britain will give up her foolish project.*'

"Washington only was in doubt. He never spoke in public. In private he joined with those who advocated a non-exportation, as well as a non-importation agreement. With both he thought we should prevail; without either he thought it doubtful. Henry was clear in one opinion, Richard Henry Lee in an opposite opinion, and Washington doubted between the two. Henry however appeared in the end to be exactly in the right."

In a letter to Thomas Jefferson, November 12, 1813,<sup>1</sup> Mr. Adams also wrote: "In the Congress of 1774, there was not one member, except Patrick Henry, who appeared to me sensible of the precipice, or rather, the pinnacle on which he stood, and had candor and courage enough to acknowledge it."

Independence was not the wish of the Congress, but it was their determination to maintain the rights of the colonies at all hazards, and to the last extremity. This was explicitly stated, not only in the papers adopted, but in their private utterances as recorded in the correspondence of the members.<sup>2</sup> In this they correctly represented the people, who as yet only desired to be left in possession of their rights as they had been enjoyed before 1763.

As the struggle soon ended in open war, the Congress has been criticised by some later writers for

<sup>1</sup> Life and Works of John Adams, x., 78.

<sup>2</sup> Letter of George Washington to Captain Mackenzie, October 9, 1774. Letter of John Jay to G. A. Otis, January 13, 1821.

not at once preparing for the appeal to arms, and for adopting the system of non-importation and non-exportation, which prevented the colonies from supplying themselves with those articles so necessary for the proper conduct of war. These criticisms are unjust. The action of the Congress must be judged by the condition of things surrounding them. That action was directed by the instructions of Virginia to her delegation, and was in accordance with the desire of all the colonies. Different action would have produced divisions, more dangerous than all else in the approaching strife. Nothing could have produced the unanimity with which America entered into the war, except the failure of the measures adopted by the Congress. Similar measures had caused the repeal of nearly all of the Townshend Acts, and it was the general hope that they would again prove effective. Until they had been tried and failed the colonies could not have been united in other measures of opposition. Nor were the people without good ground for their hope. The export trade of England with the colonies was over six millions of pounds sterling, and constituted much more than one-third of her exports;<sup>1</sup> while the exports from America to England must have been as great, as the colonies had not the specie with which to settle a balance of trade against them. In the article of grain alone, including rice, the exports from America exceeded one million in value, so that Burke could remind Great Britain in March, 1775, that "For some time past the Old World has been fed from the New. The scarcity which you have felt would have been a

<sup>1</sup> Speech of Burke on Conciliation, March 22, 1775.

desolating famine if the child of your old age, with true filial piety, with a Roman charity, had not put the full breast of its youthful exuberance to the mouth of its exhausted parent." To suddenly arrest this great trade, and to suspend the payment of the large balances due to English merchants, it was believed would seriously affect the prosperity of England, and cause a popular demand for a change of public measures. This last was the design of the colonies, and it was reasonable to expect it would follow. To accomplish it they willingly suffered the privation demanded of them, and loyally trusted that it would result in their continued connection with England on the old terms.

But these measures did not greatly weaken the colonies. Their first effect was of course to create a scarcity of all articles of importation, but this at once stimulated home production, and caused the colonies to become in a short time nearly self-sustaining.

Virginia was undoubtedly the leading colony in the Congress and no other could have contested her precedence except Massachusetts. But the peculiar condition of the latter, and the suspicion on the part of many that New England was aiming at independence, caused her delegates to keep as much in the background as possible. John Adams tells us that it was for this reason that the Virginia delegates were put forward as the leaders of the body.<sup>1</sup> That the action of the Congress under this leadership was all that was desired by the Massachusetts delegates, we are assured by Samuel Adams in a let-

<sup>1</sup> Adams to T. Pickering, *Life and Works of John Adams*, ii., 513.

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ter read in the Provincial Congress of that colony, October 27, 1774.<sup>1</sup>

The Journal fully sustains the fact of Virginia's leadership, as it shows that a Virginia delegate was placed upon every committee appointed, except the one to revise and publish the Journal. Where the committees were important there were always two members from Virginia, however small the committee. Mr. Henry or Mr. Lee was almost invariably the member, and sometimes both were on the same committee. Thus the impress of these two men was upon the entire proceedings.

The statement that Mr. Henry was placed upon the committee to prepare a petition to the King because of his splendid speech at the opening, and that he showed himself inefficient in matters of detail,<sup>2</sup> is proved to be untrue, by the record. This shows that the committees were selected by the body, that the first on which Mr. Henry was placed was the one appointed September 7, to report the statutes which affected the trade and manufactures of the colonies—a work of dry details. This committee reported on the 17th, and on the 19th, its report was referred to the committee to state the rights of the colonies, and Mr. Henry was added to that committee. A report was made by that committee September 24, and October 1, Mr. Henry was appointed on the committee to prepare the petition to the King. These facts show the high estimate of him by the body as a committee man. It is worthy of note that his resolutions against the Stamp Act were

<sup>1</sup> American Archives, i., 949. Well's Life of Samuel Adams, ii., 245.

<sup>2</sup> Made by Mr. Jefferson in his letter to Mr. Wirt.

substantially incorporated in the report on the rights of the colonies.

The wisdom, the dignity, the firmness, the statesmanship, the elevated patriotism displayed in the papers adopted by the Congress, and the elegance of their composition, excited the highest admiration among the patriots of America and their friends in England. Lord Chatham said of them in the House of Lords:<sup>1</sup> "When your lordships look at the papers transmitted us from America, when you consider their decency, firmness, and wisdom, you cannot but respect their cause, and wish to make it your own. For myself, I must declare and avow, that in all my reading of history and observation—and it has been my favorite study—I have read Thucydides, and have studied and admired the master-states of the world—that for solidity of reasoning, force of sagacity, and wisdom of conclusion under such a complication of difficult circumstances, no nation, or body of men, can stand in preference to the general Congress at Philadelphia. I trust it is obvious to your lordships, that all attempts to impose servitude upon such men, to establish despotism over such a mighty continental nation, must be vain, must be fatal." And Lord Camden is reported to have said<sup>2</sup> of the body, "that he would have given half his fortune to have been a member of that which he believed to be the most virtuous public body of men which ever had or ever would meet together in this world."

The authorship of the several papers of the Congress in after years became a matter of earnest discussion, when nearly all the members were in their

<sup>1</sup> Parliamentary History, xviii., 155.

<sup>2</sup> Life of James Iredell, i., 229.

graves. It seems to have been definitely determined that Richard Henry Lee wrote the memorial to the people of British America, John Jay the address to the people of Great Britain, and John Dickinson the address to the people of Quebec. A copy of the report upon the rights of the colonies has been found in the handwriting of John Sullivan, the chairman of the committee, and he may be presumed to have been its author, in the absence of other testimony. A copy of a petition to the King has been found in the handwriting of Richard Henry Lee,<sup>1</sup> which is very imperfect, and contains none of the matters directed by the Congress to be inserted in it. It is claimed by his biographer that he wrote the address first reported. But John Dickinson claimed the authorship of the paper adopted. The first report of the committee was on October 21. The Journal says: "The address to the King being read, after debate, ordered that the same be recommitted, and that Mr. J. Dickinson be added to the committee." A second report was made on Monday 24. In a letter to Dr. Logan, September 15, 1804, John Dickinson wrote of this address:<sup>2</sup> "The truth is, that the draught brought in by the original committee was written in language of asperity, very little according with the conciliatory disposition of Congress. The committee on my being added to them desired me to draw the address, which I did, and the draught was reported by me."

The statement of Mr. Jefferson to Mr. Wirt, that on attending the next Congress he was informed

<sup>1</sup> Southern Literary Messenger for March, 1860.

<sup>2</sup> American Quarterly Review, i., 414.



that Mr. Henry was selected by his committee to draw this petition to the King, must have been erroneous, an error either due to the imperfect memory of Mr. Jefferson or to incorrect information on the part of his informant. It was doubtless because of the incorrect information given him by Mr. Jefferson, both as to Mr. Henry and Mr. Lee, that Mr. Wirt was led to say of them,<sup>1</sup> that in the details of business they were completely thrown in the shade by the other members. The Journal of the body and the diary of John Adams show that they were highly appreciated as committee men.

The impression Mr. Henry made upon the body may be estimated by the tribute to him by John Adams in his letter to Mr. Wirt, January 23, 1818.<sup>2</sup> Said he: "I esteem the character of Mr. Henry an honor to our country, and your volume a masterly delineation of it. . . . From personal acquaintance, perhaps I might say a friendship, with Mr. Henry of more than thirty years, and from all that I have heard or read of him, I have always considered him as a gentleman of deep reflection, keen sagacity, clear foresight, daring enterprise, inflexible intrepidity and untainted integrity, with an ardent zeal for the liberties, the honor, and the felicity of his country, and his species."

And in his diary for October 10, 1774, he wrote, "Lee, Henry and Hooper are the orators."

We have also a contemporaneous statement of Silas Deane, in a letter to his wife, dated September 19, 1774, two days after the discussion on the Suffolk Resolves. He wrote:

"Mr. Henry is also a lawyer, and the compleatest

<sup>1</sup> Wirt's Henry, Section iv.    <sup>2</sup> Life and Works of John Adams, x., 277.

speaker I ever heard. If his future speeches are equal to the small samples he has hitherto given us, they will be worth preserving; but in a letter I can give you no idea of the music of his voice, or the high wrought yet natural elegance of his style and manner. Col. Lee is said to be his rival in eloquence, and in Virginia and to the southward they are styled the *Demosthenes* and *Cicero* of America. God grant they may not, like them, plead in vain for the liberties of their country! These last gentlemen are now in full life, perhaps near fifty, and have made the constitution and history of Great Britain and America their capital study ever since the late troubles between them have arisen."<sup>1</sup>

Mr. Henry formed a warm personal attachment to several of the members, and especially to John and Samuel Adams, whose talents and ardent patriotism he greatly admired. When returned to his home he was asked by a neighbor who he thought the greatest man in Congress? He answered "Rutledge, if you speak of eloquence, is by far the greatest orator, but Col. Washington, who has no pretensions to eloquence, is a man of more solid judgment and information than any man on that floor."<sup>2</sup> As he looked upon Mr. John Rutledge's views with dislike, and as Colonel Washington's modesty had kept him in the background, so that he had not been placed upon a single committee, this reply indicates not only the great discrimination, but the justice of Mr. Henry in judging men, whether friends or opponents.

<sup>1</sup> Collection of Connecticut Historical Society, II., 181.

<sup>2</sup> MS. Letter of Nathaniel Pope to William Wirt. Captain Dabney, who asked the question, related the incident to Mr. Pope.

## CHAPTER XI.

### ARMING THE COLONY—1774-1775.

Letter of Patrick Henry's Mother.—Conduct of Governor Dunmore.—Hanover County, under the Influence of Patrick Henry, Leads in Adopting the Association, and Appointing a Committee to Enforce it.—Virginia Aids in Supporting the People of Boston.—Hanover Volunteers Enlisted.—Effect of the Addresses of Congress in England.—Second Virginia Convention.—Patrick Henry Moves to Arm the Colony.—His Eloquent Speech in Support of His Motion.—Accounts Given by Edmund Randolph, John Tyler and St. George Tucker.—Description by a Baptist Clergyman.—By John Roane.—By Thomas Marshall.—Proceedings in Parliament.—Ordinances of the Virginia Convention.

A LETTER of Mr. Henry's mother, written during his absence in Congress, is interesting as affording a glimpse of the condition of the colony, and showing her own pious trust in God. She had gone on a visit to her daughter, Mrs. Anne Christian, in Botetourt County, and, while with her, Colonel Christian was called to take part in the Indian war. He arranged that Mrs. Henry should carry his wife and children home with her to Hanover, in order that they might be in no danger from the Indians during his absence with Dunmore's army. On their way they stayed a night with Colonel William Fleming, whose wife was a sister of Colonel Christian, and met, at his house, his sister-in-law, Rosina Christian, afterward the wife of Caleb Wallace. On reaching home, Mrs. Henry wrote Mrs. Fleming the following letter, which is not only interesting in

itself, but also from the fact that it is probably the only letter of Mrs. Henry which has been preserved.

"15 OCTOBER, 1774.

"DEAR MADAM: Kind Providence preserved me and all with me safe to our home in Hanover. Here people have been very sickly, but hope the sickly season is nigh over. My dear Annie has been ailing two or three days with a fever. The dear children are very well. My son Patrick has gone to Philadelphia near seven weeks. The affairs are kept with great secrecy, nobody being allowed to be present. I assure you we have our lowland troubles and fears with respect to Great Britain. Perhaps our good God may bring us out of these many evils, which threaten us not only from the mountains but from the seas. I can not forget to thank my dear Mrs. Fleming for the great kindness that you showed us in Botetourt, and assure you that I remember Colonel Fleming and you with much esteem and best wishes, and shall take it very kind if you will let me hear from you.

"My daughter Betty joins me in kind love to yourself and Miss Rosie, and especially to your dear good mother when you see her.

"I am, dear madam, your humble servant,

"SARAH HENRY."

Mr. Henry found on his return the Assembly further prorogued, the Governor still on his Indian expedition, and the courts of the colony entirely suspended because of the expiration of the act for negotiating and collecting officers' fees. Even after the Governor's return in December he refused to call the Assembly together, hoping the political excitement would abate, and fearing the action

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off the body. But his course inflamed the popular feeling. The people came together in county meetings, approved the proceedings of Congress, adopted the association, and appointed the committees recommended. Hanover County, under the direction of Mr. Henry, led the way, appointing its committee early in November.<sup>1</sup> These committees, whose powers were undefined, assumed the functions of government in the confusion which soon followed, and became known as "Committees of Safety."

The people continued their contributions to the brave Bostonians, who, with wonderful self-denial and firmness, stood for the liberties of America. In acknowledging one of these contributions, Samuel Adams wrote:<sup>2</sup> "Virginia made an early stand, by their ever memorable resolves of 1765, against the efforts of a corrupt administration to enslave America, and has ever distinguished herself by her exertions in support of our common rights. The sister colonies struggled separately; but the minister himself has at length united them, and they have lately uttered language that will be heard. It is the fate of this town to drink deep of the cup of ministerial vengeance; but while America bears them witness that they suffer in her cause, they glory in their sufferings."

Thus the attack upon the town of Boston and upon the colony of Massachusetts, which was intended by the Ministry to divide the colonies that they might be robbed of their rights, drew them into a close union, and made them unconquerable.

<sup>1</sup> A card in the Williamsburg Gazette, dated November 12, 1774, signed Paul Thilman, asks pardon for violating the association, for which he had been convicted by the Hanover Committee.

<sup>2</sup> Massachusetts Historical Collections, 4th Series, iv., 185.

Congress, in their address to the people of America, had advised them "to extend their views to mournful events, and be in all respects prepared for every contingency." The people of Massachusetts had already commenced military preparations, and during the winter the other colonies began to organize military companies, and to procure ammunition. There was but little division among the people except in New York and Georgia. The New York Assembly refused to approve of the proceedings of Congress, corruptly influenced, it was believed, by British gold,<sup>1</sup> and it was only after a warm contest that the patriots carried the day in Georgia.

In Virginia Mr. Henry enlisted the first military company after the adjournment of Congress. In a report of the next Assembly upon the condition of the colony it is stated, that a committee was appointed, and a company enlisted, but not embodied, in Hanover in November. This was doubtless at the time the county committee was appointed. Mr. Henry's action as regards the company is related in a letter of Charles Dabney,<sup>2</sup> one of the members. He says: "Soon after Mr. Patrick Henry's return from the first Congress notice was given through his means to the militia of Hanover, to attend at Mr. Smith's tavern<sup>3</sup> in the neighborhood of Hanover Court House, where he wished to communicate something to them of great importance. Accordingly a considerable number of the younger part of the militia attended, and he addressed them in a very animated speech, pointing out the necessity of our

<sup>1</sup> Henry Ireton to Mrs. Quincy, *Memoir of Josiah Quincy, Jr.*, p. 230.

<sup>2</sup> MS. letter to Mr. Wirt, December 21, 1805.

<sup>3</sup> Now known as Merry Oaks.

having recourse to arms in defence of our rights, and recommending in strong terms that we should immediately form ourselves into a volunteer company. A number of those present immediately enrolled themselves on the list of volunteers, one of the regulations of which was, that when a sufficient number of men were enlisted to form a company, they should choose the officers to command them." This company was soon to attract the attention of the continent.

In some other counties companies were enlisted, but the next Assembly declared in a report, based upon testimony taken before a committee, that on December 24, 1774, when the Governor wrote to Lord Dartmouth that "every county is now arming a company of men whom they call an independent company," there were not more than six or seven such companies throughout the whole colony. So unanimous were the people in signing and keeping the association that the committees had but little or no need of military aid, and the suspense of the colony as to the effect in England of the action of Congress, retarded preparations for war, which it was hoped would be avoided.<sup>1</sup> This hope was greatly weakened by the reception in February of the King's speech on opening Parliament, November 30, in which he described the non-importation agreements entered into before the meeting of Congress, whose proceedings had not then reached Eng-

<sup>1</sup> Rives, in his *Life of Madison*, i., 65, cites statements of several letter writers, the Governor among them, to prove that before the meeting of the convention in March, and Mr. Henry's motion to arm the colony, there had been a military organization in each county, but the evidence taken by the Assembly (see *American Archives*, 4th Series, ii., 1211-15) proves the contrary.

land, as "unwarrantable attempts to obstruct the commerce of this kingdom by unlawful combinations," and as exhibiting "a most daring spirit of resistance and disobedience to the law." The situation in America is described in a letter of Richard Henry Lee to his brother Arthur, then in London, dated February 24, 1775.<sup>1</sup> He says:

"All America has received with astonishment and concern the speech to Parliament. The wicked violence of the ministry is so clearly expressed as to leave no doubt of their fatal determination to ruin both countries, unless a powerful and timely check is interposed by the body of the people. A very small corrupted junto in New York excepted, all North America is now most firmly united and as firmly resolved, to defend their liberties, *ad infinitum*, against every power on earth, that may attempt to take them away. The most effectual measures are everywhere taking to secure a sacred observance of the association. Manufactures go rapidly on, and the means of repelling force by force are universally adopting."

As stated in this letter, the only hope now entertained was that the body of the people of England would interpose an effectual check upon the designs of the ministry. The proceedings of Congress reached England in December, during the recess of Parliament. Their effect was marked. When Parliament assembled again in January, there were laid before them petitions from London, Bristol, Norwich, Dudley, Birmingham, Liverpool, Manchester, and Wolverhampton, representing the great distress occasioned by the interruption of the colonial com

<sup>1</sup> See Southern Literary Messenger for November, 1859.



merce, and praying that such conciliatory legislation be adopted as would restore it to its former condition. Not only did the interruption of trade interest the British merchants on behalf of America, but the dignity and wisdom of Congress excited an admiration for the American patriots never before felt in Great Britain.

When the petition to the King was presented to His Majesty, he received it very graciously, and promised to lay it before Parliament, but at a cabinet council, held January 12, he insisted on yielding nothing to the colonies, and it was determined to interdict all commerce with them, to protect the loyal colonists, and to declare all others traitors and rebels.<sup>1</sup> On January 20, Lord Chatham moved in the House of Lords the withdrawal of the troops from Boston, and delivered his celebrated speech in its advocacy, but his motion was lost by a vote of 68 to 18. The House of Commons showed a more decided majority in favor of the Ministry, and vigorous measures were taken to enforce the subjection of the colonies. In a bill introduced offering pardon to repentant rebels, Mr. Henry, with some twenty others, had the honor of being excepted by name.<sup>2</sup>

The second Virginia Convention met in St. John's Church, Richmond, March 20, 1775. They came together in ignorance of the proceedings in Parliament upon the reception of the action of Congress. The latest information they had was contained in the Williamsburg *Gazette* of the 18th, which printed a letter from London dated December 14, 1774, relating the gracious reception of the petition by the

<sup>1</sup> Bancroft, vii., 193.

<sup>2</sup> Jefferson's Memoir.

King, and adding, "The buzz at court is that all the acts will be repealed except the admiralty and declaratory, and that North and Dartmouth will be replaced by Gower and Hillsborough." This revived the hopes of the more conservative of the patriots, who still trusted that the Ministry would retrace their footsteps and all would be well again.

The Convention organized by electing Peyton Randolph president, and at once took into consideration the proceedings of the Continental Congress. These they heartily approved. They next presented the thanks of the body and of the Colony to the Virginia delegation, "for their cheerful undertaking and faithful discharge of the very important trust imposed in them." On the third day of the session a copy of the petition and memorial of the Assembly of the Island of Jamaica, addressed to the King, December 28, 1774, was laid before the convention and read.<sup>1</sup> This was a bold vindication of the rights of the American colonies, but was objectionable in two of its positions. It traced the grant of colonial rights to the King, and claimed that the royal prerogative annexed to the Crown was totally independent of the people, who could not invade, add to, or diminish it. This extreme Tory doctrine was not to the liking of the advanced patriots, nor necessary for the vindication of American rights, which were not dependent on royal grants alone. Another matter contained in the paper, equally objectionable, was the declaration of the Assembly, that owing to their weak condition, caused by slavery, it could not be supposed they intended, or ever could have intended, resistance to Great Britain. The bal-

<sup>1</sup> See this paper in American Archives, 4th Series, i., 1072-74.

ance of the paper, however, was a severe rebuke to the British Government, and an able defence of America. This last pleased many members of the Convention and led them to overlook what was deemed objectionable. Accordingly it was moved—

“That the unfeigned thanks and most grateful acknowledgments of this Convention be presented to that very respectable Assembly, for the exceeding generous and affectionate part they have so nobly taken in the unhappy contest between Great Britain and her colonies, and for their truly patriotic endeavors to fix the just claims of the colonists upon the most permanent constitutional principles.

“That the Assembly be assured that it is the most ardent wish of this colony (and we are persuaded of the whole continent of North America) to see a speedy return to those halcyon days when we lived a free and happy people.

“That the President be desired to transmit these resolutions to the Speaker of the Jamaica Assembly by the earliest opportunity.”

These resolutions were not suited to the views of Mr. Henry. He could but unite in the vote of thanks for “their truly *patriotic endeavors* to fix the just claims of the colonists upon the most permanent constitutional principles,” but he could not agree with the toryism and non-resistance contained in the paper. He was certain that there would be no real change of policy in England, and that the colonies would never see a return of the “halcyon days” of old. He saw, too, the danger of exciting in the colony any such hope, when no time should be lost in arming for the approaching conflict. He realized the fact that the independent volunteer

companies, raised in different parts of the colony, could not be relied on for sustained effort, unless they were made a part of a colonial army, and that any preparation for war, to be efficient, must be organized and controlled under the authority of the colony. His clear vision had pierced into the future, and he now saw that the hour of conflict in the field was at hand. Not a moment was to be lost. He at once arose and offered as an amendment the following resolutions :

*“Resolved, That a well regulated militia, composed of gentlemen and yeomen, is the natural strength and only security of a free government; that such a militia in this colony would for ever render it unnecessary for the mother country to keep among us, for the purpose of our defence, any standing army of mercenary soldiers, always subversive of the quiet, and dangerous to the liberties of the people, and would obviate the pretext of taxing us for their support.*

*“That the establishment of such a militia is, at this time, peculiarly necessary, by the state of our laws for the protection and defence of the country, some of which have already expired, and others will shortly be so; and that the known remissness of the government in calling us together in legislative capacity, renders it too insecure, in this time of danger and distress, to rely that opportunity will be given of renewing them, in general assembly, or making any provision to secure our inestimable rights and liberties, from those further violations with which they are threatened.*

*“Resolved, therefore, That this colony be immediately put into a state of defence, and that be a committee to prepare a plan for embodying,*

*arming, and disciplining such a number of men, as may be sufficient for that purpose."*

The first of these was taken from a resolution of the Maryland Convention of December 8, 1774,<sup>1</sup> which had been followed by the Fairfax County committee, January 17, 1775, in a paper drawn by George Mason and presented by George Washington,<sup>2</sup> and had been preceded by the New Castle (Delaware) committee December 21, 1774,<sup>3</sup> which based its action on "an intimation given by the Continental Congress." And other bodies had determined on arming and drilling the militia under their control. But the second resolution of Mr. Henry looked to an immediate preparation for a conflict of arms; not simply to the drilling of the militia, but to the embodying of an army for the defence of the Colony. The resolution itself clearly disclosed its object, and Mr. Henry, in his speech enforcing it, left no doubt of his purpose. He would have the Convention, with him, give up all hope of a peaceful settlement, and recognize the fact that they were virtually at war with Great Britain.<sup>4</sup>

Judge Tucker, who was present, relates that "this resolution produced an animated debate, in which Col. Richard Bland, Mr. Nicholas, the treasurer, and I think Col. Harrison, of Berkeley, and Mr. Pendleton were opposed to the resolution, conceiving it to be premature."

Notwithstanding the fact that no information had been received of the action of the Government

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<sup>1</sup> American Archives, 4th Series, i., 1032.

<sup>2</sup> Idem, 1145.

<sup>3</sup> Idem, 1032.

<sup>4</sup> Tyler's Life of Patrick Henry, 122.

upon the papers issued by the Congress, and the earnest opposition of so many of his able associates in the patriot cause, who hesitated upon the threshold of war, and still hoped for reconciliation, his resolutions were carried.

The memorable scene which occurred is thus described by Edmund Randolph in his history of Virginia:<sup>1</sup>

“A resolution was passed for immediately putting the colony into a posture of defence, and for preparing a plan of embodying and disciplining such a number of men as might be sufficient for that purpose. Henry moved and Richard Henry Lee seconded it. The fangs of European criticism might be challenged to spread themselves against the eloquence of that awful day. It was a proud one to a Virginian, feeling and acting with his country. Demosthenes invigorated the timid, and Cicero charmed the backward. The multitude, many of whom had travelled to the Convention from a distance, could not suppress their emotion. Henry was his pure self. Those who had toiled in the artifices of scholastic rhetoric, were involuntarily driven into an inquiry within themselves, whether rules and forms and niceties of elocution would not have choked his native fire. It blazed so as to warm the coldest heart. In the sacred place of meeting, the church, the imagination had no difficulty, to conceive, when he launched forth in solemn tones, various causes of scruples against oppressors, that the British King was lying prostrate from the thunder of heaven. Henry was thought in his attitude to resemble St. Paul, while preaching at Athens, and to speak as man was never known to speak before. After every illusion had vanished, a prodigy yet

<sup>1</sup> MS. in possession of Virginia Historical Society.

remained. It was Patrick Henry, born in obscurity, poor, and without the advantages of literature, rousing the genius of his country, and binding a band of patriots together to hurl defiance at the tyranny of so formidable a nation as Great Britain. This enchantment was spontaneous obedience to the working of the soul. When he uttered what commanded respect for himself, he solicited no admiring look from those who surrounded him. If he had, he must have been abashed by meeting every eye fixed upon him. He paused, but he paused full of some rising eruption of eloquence. When he sat down, his sounds vibrated so loudly if not in the ears, at least in the memory of his audience, that no other member, not even his friend who was to second him, was yet adventurous enough to interfere with that voice which had so recently subdued and captivated. After a few minutes, Richard Henry Lee fanned and refreshed with a gale of pleasure; but the vessel of the revolution was still under the impulse of the tempest, which Henry had created. Artificial oratory fell in copious streams from the mouth of Lee, and rules of persuasion accomplished everything, which rules could effect. If elegance had been personified, the person of Lee would have been chosen. But Henry trampled upon rules, and yet triumphed, at this time perhaps beyond his own expectation. Jefferson was not silent. He argued closely, profoundly and warmly on the same side. The post in this revolutionary debate, belonging to him, was that at which the theories of republicanism were deposited. Washington was prominent, though silent. His looks bespoke a mind absorbed in meditation on his country's fate: but a positive concert between him and Henry could not more effectually have exhibited him to view, than when Henry with indignation advocated the idea of peace when there was no

peace,' and enlarged on the duty of preparing for war.

"The generous and noble-minded Thomas Nelson, who now for the first time took a more than common part in a great discussion, convulsed the moderate by an ardent exclamation, in which he called God to witness, that if any British troops should be landed within the county of which he was the lieutenant, he would wait for no orders, and would obey none which should forbid him, to summon his militia and repel the invaders at the water edge. His temper, though it was sanguine, and had been manifested in less scenes of opposition, seemed to be more than ordinarily excited. His example told those who were happy in ease and wealth, that to shrink was to be dishonored."

As Thomas Nelson was one of the wealthiest men in the colony, his accession to Mr. Henry on this occasion was very effective in its influence on the wealthy class, always slow to engage in war.

Mr. Wirt has been able to give a condensed account of Mr. Henry's speech, gathered from the recollections of the hearers, principally from Judge John Tyler and Judge St. George Tucker. He says :

"He rose at this time with a majesty unusual to him in an exordium, and with all that self-possession by which he was so invariably distinguished. 'No man,' he said, 'thought more highly than he did of the patriotism, as well as abilities, of the very worthy gentlemen who had just addressed the house. But different men often saw the same subject in different lights; and therefore, he hoped it would not be thought disrespectful to those gentlemen, if, entertaining, as he did, opinions of a character very opposite to theirs, he should speak forth



*his* sentiments freely, and without reserve. This,' he said, 'was no time for ceremony. The question before the house was one of awful moment to this country. For his own part, he considered it as nothing less than a question of freedom or slavery. And in proportion to the magnitude of the subject, ought to be the freedom of debate. It was only in this way that they could hope to arrive at truth, and fulfil the great responsibility which they held to God and their country. Should he keep back his opinions at such a time, through fear of giving offense, he should consider himself guilty of treason toward his country, and of an act of disloyalty toward the majesty of Heaven, which he revered above all earthly kings.

" 'Mr. President,' said he, 'it is natural to man to indulge in the illusions of hope. We are apt to shut our eyes against a painful truth—and listen to the song of that syren, till she transforms us into beasts. Is this,' he asked, 'the part of wise men, engaged in a great and arduous struggle for liberty? Were we disposed to be of the number of those, who having eyes, see not, and having ears, hear not, the things which so nearly concern their temporal salvation? For his part, whatever anguish of spirit it might cost, *he* was willing to know the whole truth; to know the worst, and to provide for it.

" 'He had,' he said, 'but one lamp by which his feet were guided; and that was the lamp of experience. He knew of no way of judging the future but by the past. And judging by the past, he wished to know what there had been in the conduct of the British ministry for the last ten years, to justify those hopes with which gentlemen had been pleased to solace themselves and the house? Is it that insidious smile with which our petition has been lately received? Trust it not, sir; it will prove a snare to your feet. Suffer not yourselves

to be betrayed with a kiss. Ask yourselves how this gracious reception of our petition comports with those warlike preparations which cover our waters and darken our land. Are fleets and armies necessary to a work of love and reconciliation? Have we shown ourselves so unwilling to be reconciled, that force must be called in to win back our love? Let us not deceive ourselves, sir. These are the implements of war and subjugation—the last arguments to which kings resort. I ask gentlemen, sir, what means this martial array, if its purpose be not to force us to submission? Can gentlemen assign any other possible motive for it? Has Great Britain any enemy in this quarter of the world, to call for all this accumulation of navies and armies? No, sir, she has none. They are meant for us: they can be meant for no other. They are sent over to bind and rivet upon us those chains, which the British ministry have been so long forging. And what have we to oppose to them? Shall we try argument? Sir, we have been trying that for the last ten years. Have we anything new to offer upon the subject? Nothing. We have held the subject up in every light of which it is capable; but it has been all in vain. Shall we resort to entreaty and humble supplication? What terms shall we find, which have not been already exhausted? Let us not, I beseech you, sir, deceive ourselves longer. Sir, we have done everything that could be done, to avert the storm which is now coming on. We have petitioned—we have remonstrated—we have supplicated—we have prostrated ourselves before the throne, and have implored its interposition to arrest the tyrannical hands of the ministry and parliament. Our petitions have been slighted; our remonstrances have produced additional violence and insult; our supplications have been disregarded; and we have been spurned, with contempt,

from the foot of the throne. In vain, after these things, may we indulge the fond hope of peace and reconciliation. *There is no longer any room for hope.* If we wish to be free—if we mean to preserve inviolate those inestimable privileges for which we have been so long contending—if we mean not basely to abandon the noble struggle in which we have been so long engaged, and which we have pledged ourselves never to abandon until the glorious object of our contest shall be obtained—we must fight!—I repeat it, sir, we must fight!! An appeal to arms and to the God of Hosts, is all that is left us!”

Up to this point the orator exhibited perfect self-restraint. Judge Tucker’s letter giving the passages included in the last two paragraphs, prefaced them by the statement :

“‘It was on that occasion that I first felt a full impression of Mr. Henry’s powers. In vain should I attempt to give you any idea of his speech. He was calm and collected—touched upon the origin and progress of the dispute between Great Britain, and the colonies—the various conciliatory measures adopted by the latter, and the uniformly increasing tone of violence and arrogance on the part of the former.’”

He follows the passages by the following description of the scene.

“‘Imagine to yourself this speech delivered with all the calm dignity of Cato of Utica ; imagine to yourself the Roman Senate assembled in the capital when it was entered by the profane Gauls, who at first were awed by their presence as if they had en-

tered an assembly of the gods. Imagine that you had heard that Cato addressing such a Senate. Imagine that you saw the handwriting on the wall of Belshazzar's palace. Imagine that you had heard a voice as from heaven uttering the words, "*We must fight*," as the doom of Fate, and you may have some idea of the speaker, the assembly to whom he addressed himself, and the auditory, of which I was one."

From this point, however, the orator's manner deepened into an intensity of passion and dramatic power which were overwhelming. He thus continued :

"They tell us, sir, that we are weak—unable to cope with so formidable an adversary. But when shall we be stronger? Will it be the next week, or the next year? Will it be when we are totally disarmed, and when a British guard shall be stationed in every house? Shall we gather strength by irresolution and inaction? Shall we acquire the means of effectual resistance by lying supinely on our backs, and hugging the delusive phantom of Hope, until our enemies shall have bound us hand and foot? Sir, we are not weak, if we make a proper use of those means which the God of nature hath placed in our power. Three millions of people, armed in the holy cause of liberty, and in such a country as that which we possess, are invincible by any force which our enemy can send against us. Besides, sir, we shall not fight our battles alone. There is a just God who presides over the destinies of nations; and who will raise up friends to fight our battles for us. The battle, sir, is not to the strong alone; it is to the vigilant, the active, the brave. Besides, sir, we have no election. If we were base enough to desire it, it is now too late to

retire from the contest. There is no retreat, but in submission and slavery! Our chains are forged, their clanking may be heard on the plains of Boston! The war is inevitable—and let it come!! I repeat it, sir, let it come!!!

“‘It is in vain, sir, to extenuate the matter. Gentlemen may cry, peace, peace,—but there is no peace. The war is actually begun! The next gale that sweeps from the north will bring to our ears the clash of resounding arms! Our brethren are already in the field! Why stand we here idle? What is it that gentlemen wish? what would they have? Is life so dear, or peace so sweet, as to be purchased at the price of chains and slavery? Forbid it, Almighty God! I know not what course others may take; but as for me,’ cried he, with both his arms extended aloft, his brows knit, every feature marked with the resolute purpose of his soul, and his voice swelled to its boldest note of exclamation—‘give me liberty, or give me death!’”

This report of this wonderful speech, which has been so greatly admired, and has been treasured in the memory of so many American youths, has not passed without challenge. It is most gratifying, however, to find so judicious and careful a writer as Dr. Moses Coit Tyler coming to the conclusion, after examining the evidence, that “Wirt’s version certainly gives the substance of the speech as actually made by Patrick Henry; and for the form of it . . . it is probably far more accurate and authentic than are most of the famous speeches attributed to public characters before reporters’ galleries were opened, and before the art of reporting was brought to its present perfection.”<sup>1</sup>

<sup>1</sup> Tyler’s *Life of Patrick Henry*, 133.

Dr. Tyler states, on the authority of a manuscript of Rev. Edward Fontaine, "that John Roane, in 1834, verified the correctness of the speech as it was written by Judge Tyler for Mr. Wirt." To this may be added, that among the papers of Mr. Wirt, sent the author by his son, Dr. William Wirt, are found some unsigned notes on his Life of Mr. Henry, written by one who states that he was present in this convention. While he criticises in some respects Mr. Wirt's statement of the arguments used by the opponents of Mr. Henry's motion, he has not a word to say in reference to Mr. Wirt's report of Mr. Henry's speech, and thus bears testimony to its correctness. The same may be said of Mr. Jefferson, who revised Mr. Wirt's manuscript and advised its publication.<sup>1</sup> So deeply had this speech impressed itself on the minds of the hearers that wherever Mr. Wirt found one living he was enabled to gather some part of it. This is shown by the traditional descriptions of it which have come down through other sources. Mr. Henry Stephens Randall, in his "Life of Jefferson," has preserved one of these traditions, related to him by a clergyman who received it from an old Baptist clergyman who was one of the auditory. He described the Convention as terribly intent on the subject before them. He said :

"Henry arose with an unearthly fire burning in his eye. He commenced somewhat calmly—but the smothered excitement began more and more to play upon his features and thrill in the tones of his voice. The tendons of his neck stood out white and rigid

<sup>1</sup> Kennedy's Life of William Wirt, I., 413.

like whipcords. His voice rose louder and louder, until the walls of the building and all within them seemed to shake and rock in its tremendous vibrations. Finally his pale face and glaring eyes became terrible to look upon. Men leaned forward in their seats with their heads strained forward, their faces pale and their eyes glaring like the speaker's. His last exclamation—"Give me liberty or give me death"—was like the shout of the leader which turns back the rout of battle! The old clergyman said, when Mr. Henry sat down, he (the auditor) felt sick with excitement. Every eye yet gazed entranced on Henry. It seemed as if a word from him would have led to any wild explosion of violence. Men looked beside themselves."<sup>1</sup>

Another tradition is found in the Fontaine manuscript, quoted by Dr. Tyler, which is stated to have been taken from John Roane, who heard the speech. Roane told Fontaine that the orator's voice, countenance, and gestures gave irresistible force to his words, which no description could make intelligible to one who had never seen him or heard him speak; but in order to convey some notion of the orator's manner, Roane described the delivery of the closing sentences of the speech :

"You remember, sir, the conclusion of the speech, so often declaimed in various ways by school-boys—'Is life so dear, or peace so sweet, as to be purchased at the price of chains and slavery? Forbid it, Almighty God! I know not what course others may take, but as for me, give me liberty, or give me death!' He gave each of these words a meaning which is not conveyed by the reading or delivery of them in the ordinary way. When he said, 'Is life

<sup>1</sup> Randall's *Life of Jefferson*, i., 101-2.

so dear, or peace so sweet, as to be purchased at the price of chains and slavery?' he stood in the attitude of a condemned galley slave, loaded with fetters, awaiting his doom. His form was bowed; his wrists were crossed; his manacles were almost visible as he stood like an embodiment of helplessness and agony. After a solemn pause, he raised his eyes and chained hands toward heaven, and prayed, in words and tones which thrilled every heart. 'Forbid it, Almighty God!' He then turned toward the timid loyalists of the house, who were quaking with terror at the idea of the consequences of participating in proceedings which would be visited with the penalties of treason by the British crown; and he slowly bent his form yet nearer to the earth, and said, 'I know not what course others may take,' and he accompanied the words with his hands still crossed, while he seemed to be weighed down with additional chains. The man appeared transformed into an oppressed, heart-broken, and hopeless felon. After remaining in this posture of humiliation long enough to impress the imagination with the condition of the colony under the iron heel of military despotism, he arose proudly, and exclaimed, 'but as for me,'—and the words hissed through his clenched teeth, while his body was thrown back, and every muscle and tendon was strained against the fetters which bound him, and with his countenance distorted by agony and rage, he looked for a moment like Laocoon in a death struggle with coiling serpents; then the loud, clear, triumphant notes, 'give me liberty,' electrified the assembly. It was not a prayer, but a stern demand, which would submit to no refusal or delay. The sound of his voice, as he spoke these memorable words, was like that of a Spartan pæan on the field of Platæa; and, as each syllable of the word 'liberty' echoed through the building, his fetters were shivered; his arms were



hurled apart; and the links of his chains were scattered to the winds. When he spoke the word 'liberty' with an emphasis never given it before, his hands were open, and his arms elevated and extended; his countenance was radiant; he stood erect and defiant; while the sound of his voice and the sublimity of his attitude made him appear a magnificent incarnation of Freedom, and expressed all that can be acquired or enjoyed by nations and individuals invincible and free. After a momentary pause, only long enough to permit the echo of the word 'liberty' to cease, he let his left hand fall powerless to his side, and clenched his right hand firmly, as if holding a dagger with the point aimed at his breast. He stood like a Roman Senator defying Cæsar, while the unconquerable spirit of Cato of Utica flashed from every feature; and he closed the grand appeal with the solemn words 'or give me death!' which sounded with the awful cadence of a hero's dirge, fearless of death, and victorious in death; and he suited the action to the word by a blow upon the left breast with the right hand which seemed to drive the dagger to the patriot's heart."<sup>1</sup>

It is related of Colonel Edward Carrington, a distinguished soldier in the Revolution, that being in the crowd on the outside, he gained a position at the more northern of the two windows then in the east end of the church. Here he was nearly facing Mr. Henry. He was completely overpowered by the orator, and exclaimed, "Let me be buried at this spot!" This wish lasted during his life, and was respected at his death in 1810.

From these accounts of the speech, one can well understand that Thomas Marshall gave utterance to

<sup>1</sup> Tyler's *Life of Patrick Henry*, 129-132.

the unanimous verdict of all who heard it, when he described it "as one of the most bold, vehement, and animated pieces of eloquence that had ever been delivered."<sup>1</sup>

The committee that was appointed under Mr. Henry's resolutions consisted of Patrick Henry, Richard Henry Lee, Robert Carter Nicholas, Benjamin Harrison, Lemuel Riddick, George Washington, Adam Stephen, Andrew Lewis, William Christian, Edmund Pendleton, Thomas Jefferson, and Isaac Lane.

The appearance of Nicholas, Harrison, and Pendleton on the committee is an indication how thoroughly Mr. Henry had carried the Convention, capturing even the principal of his opponents. Indeed, Colonel Nicholas, as soon as he found that the Convention was determined to arm and embody the militia, moved to change the system, and raise ten thousand regulars for the war, which was lost.<sup>2</sup> Mr. Jefferson, in describing to Mr. Wirt the opponents of Mr. Henry's motion said:

"These were honest and able men, who had begun the opposition, on the same ground, but with a moderation more adapted to their age and experience. Subsequent events favored the bolder spirits of Henry, the Lees, Pages, Mason, etc., with whom I went in all points. Sensible, however, of the importance of unanimity among our constituents, although we often wished to have gone on faster, we slackened our pace, that our less ardent colleagues might keep up with us; and they, on their part, differing nothing from us in principle, quickened

<sup>1</sup> Wirt's Henry, 142. He was the father of the Chief Justice, and a man of great force of intellect.

<sup>2</sup> Wirt's Henry, 143.

their gait somewhat beyond that which prudence might of itself, have advised, and thus consolidated the phalanx which breasted the powers of Great Britain. By this harmony of the bold with the cautious, we advanced, with our constituents, in undivided mass, and with fewer examples of separation than perhaps existed in any other part of the union."<sup>1</sup>

On this memorable occasion Mr. Henry had taken a decisive step forward, and had consolidated the ranks of the patriots as his followers. He had led the Virginia Convention across the Rubicon, and in preparing the colony for military resistance he had pledged her to inevitable war.

The wisdom of Mr. Henry's motion was demonstrated by the events which had already happened in England, though not yet known in America. The House of Lords had not only voted down, in January, Lord Chatham's motion to withdraw the troops from Boston, but when, nothing daunted, he introduced on February 1, his bill for settling the troubles in America, which involved a repeal of the obnoxious Acts of Parliament, and a free grant of revenue by the colonies, accompanied with an acknowledgment of the supremacy of Parliament, it was dismissed after a warm debate by a vote of 61 to 32. On February 2, an address to the King was moved in the House of Commons, in which it was declared, that "a rebellion at this time actually exists in the province of Massachusetts Bay." In the debate which preceded its adoption, it was claimed by Colonel Grant, who had served in America, that the Americans "would not fight, they would never dare

<sup>1</sup> Wirt's Henry, 143-4.

face an English army, and did not possess any of the qualifications necessary to make a good soldier," and the speaker ridiculed their manners, their language, and their religion.<sup>1</sup> On February 10, leave was given to bring in a bill for the restraint of the trade and commerce of the New England colonies. On February 13, and 15, measures were adopted in the House, sitting as a Committee of Supply, for the augmentation of the army and navy. On February 20, Lord North unexpectedly introduced his scheme for conciliating America, which provided for permitting the colonies to raise in their own way the revenue which might be required of them by the King and Parliament, but looked to the continuance of all the obnoxious legislation and claims of Parliament.<sup>2</sup> This proposal was confessed by its author to be one which would not be satisfactory to America, but he expected that it would divide the colonies, and would unite England. Fox denounced the proposal, and declared that "the Americans will reject it with disdain." Burke declared, "the measure was mean indeed, yet not at all conciliatory." Chatham wrote:<sup>3</sup> "It is a mere verbiage, a most puerile mockery. Everything but justice will prove vain to men like the Americans; with principles of right in their minds and hearts, and with arms in their hands to assert those principles."

On March 22, the day before Mr. Henry made his motion for arming the colony of Virginia, Burke introduced his resolutions for repealing the obnoxious legislation of Parliament, and made that magnificent speech in their support which alone

<sup>1</sup> Parliamentary History, xviii., 226.

<sup>2</sup> *Idem*, xviii., 334.

<sup>3</sup> Correspondence, iv., 403.

would have placed him among the great orators and statesmen of the world, but which fell unheeded on the ears of the overwhelming majority which supported the Ministry.

Though acting in ignorance of these proceedings, the Virginia Convention, under the lead of Mr. Henry, could hardly have acted more wisely had they been fully aware of them. They adopted an effective plan for arming and equipping the militia of the colony, which were requested to form volunteer companies in each county, the lower counties, cavalry companies, and the upper counties, infantry; and a committee was appointed to procure the necessary munitions of war for destitute counties. A plan was adopted for the encouragement of arts and manufactures, reported by a committee of which Mr. Henry was a member. A continuance of contributions for the relief of Boston was recommended; the Committee of Correspondence was directed to procure authentic information whether New York meant to desert the union of the colonies; the old delegation was reappointed for the next Congress, Mr. Henry being placed next to Washington on it, and Jefferson being added as the alternate of Peyton Randolph, the Speaker of the House of Burgesses; thanks were voted to the Governor and soldiers engaged in the late Indian War, and a promise given the latter that their services should be remunerated.

Mr. Henry, ever watchful of Royal power, and quick to see the evil of keeping a number of men in the colony dependants upon the Crown, offered the following paper, which was adopted, and himself, Richard Bland, Thomas Jefferson, Robert Carter

Nicholas, and Edmund Pendleton were appointed the committee.

“His Excellency, the Governor, having by proclamation bearing date the 21st day of March, in the present year, declared that his Majesty hath given orders, that all vacant lands within this colony shall be put up in lots at public sale, and that the highest bidder for such lots shall be the purchaser thereof, and shall hold the same, subject to a reservation of one half-penny sterling per acre, by way of annual quit-rent, and all mines of gold, silver, and precious stones; which terms are an innovation on the established usage of granting lands within this colony.

*Resolved*, That a committee be appointed to inquire whether his Majesty may, of right, advance the terms of granting lands in this colony, and make report thereof to the next General Assembly, or Convention; and that in the meantime, it be recommended to all persons whatever to forbear purchasing, or accepting grants of lands on the conditions before mentioned.”

The body adjourned March 27, after recommending to the people that they choose delegates to represent them in Convention for one year. On the next day there appeared a proclamation from the Governor, forbidding, in the name of the King, the appointment of delegates to the Continental Congress. This untimely paper only excited contempt for the Administration.

St. John's Church, in which this memorable Convention sat, is still standing, and is an object of the greatest interest. Thousands visit it every year, and are shown the spot on which Mr. Henry stood when he delivered his famous speech.

## CHAPTER XII.

### RECLAMATION OF THE GUNPOWDER.—SECOND CONGRESS.—1775.

Seizure of the Gunpowder at Williamsburg by Governor Dunmore.—March of Mr. Henry at the Head of the Hanover Volunteers to Obtain Satisfaction.—Payment Made to Him by Order of the Governor.—Proclamation of the Governor Against Him.—He is Condemned by the Council, but Applauded by the People in County Meetings.—His Letter to Francis L. Lee on the Subject.—He is Escorted Across the Potomac on His Way to Congress.—Mr. Henry Looking to Independence.—Congress of 1775.—New Members.—Difficulties Besetting It.—Determines to Act on Defensive.—Rejects Lord North's Proposals.—Determines to Fortify the Hudson and Adopt the Army before Boston.—Washington made Commander-in-Chief.—Other Officers.—Measures of Congress.—Papers Issued.—Mr. Henry as a Committee Man.—His Letter to General Washington.

THE spirit which Mr. Henry infused into the Convention was soon aroused throughout the colony, by an event which was seized upon by him and made the occasion of a military demonstration against the Governor, the first overt act of war in Virginia.

On October 19, 1774, Lord Dartmouth, in a circular letter to the Colonial Governors, informed them that the King, by an order in Council, had prohibited the exportation from Great Britain of gunpowder, or any sort of arms or ammunition, and his Lordship required the Governors to prevent the importation of the prohibited articles into the several colonies.<sup>1</sup> Not content with preventing the pur-

<sup>1</sup> American Archives, 4th Series, i., 881.

chase by the colonies of the munitions of war, the next move was to seize and carry away, or destroy, the ammunition already in their possession. Accordingly General Gage sent an expedition, April 18, 1775, to destroy the military stores collected at the town of Concord for the Colony of Massachusetts, which brought on the battle of Lexington; and Lord Dunmore, on April 20, caused Captain Henry Collins, commanding the schooner *Magdalen* lying at Burwell's Ferry on James River, to carry away during the night twenty kegs of powder stored in the public magazine at Williamsburg, and put it upon his vessel. When this became known in the town early the next morning it caused intense excitement and great exasperation. Many persons armed themselves, declaring their determination to force Captain Collins to restore the powder. They were restrained with difficulty by the older and cooler citizens, and by the Town Council, and were assured that proper measures would be taken to effect a restoration of the powder without bloodshed.

The Council thereupon addressed the Governor a respectful communication, stating that the powder had been stored in the magazine for the protection and security of the colony, that there was reason to believe that some wicked and designing persons had instilled the most diabolical notions into the minds of the slaves, which might lead to servile insurrection, inquiring why the powder had been carried off in such a manner, and entreating that it be immediately returned. To this the Governor returned a verbal answer, "that hearing of an insurrection in a neighboring county,<sup>1</sup> he had removed

<sup>1</sup> A false report from the County of Surry.



the powder from the magazine, where he did not think it secure, to a place of perfect security; and that upon his word and honour, whenever it was wanted on any insurrection, it should be delivered in half an hour; that he had removed it in the night time, to prevent alarm, and that Captain Collins had his express command for the part he had acted; that he was surprised to hear that the people were under arms on this occasion, and that he should not think it prudent to put powder into their hands in such a situation." This disingenuous reply was accepted as a promise to return the powder in case it was needed, and through the exertions of Peyton Randolph, Robert C. Nicholas, and other citizens of influence, the people were quieted. The next day the Governor sent word to the gentlemen who had thus exerted themselves to quiet the people, that if any injury or insult was offered to himself, to Captain Foy, his secretary, or to Captain Collins, he would declare freedom to the slaves, and reduce the city of Williamsburg to ashes. This bluster was particularly exasperating, as both Foy and Collins had constantly appeared in Williamsburg without the slightest disrespect having been shown them. Information of these matters spread rapidly through the colony, and aroused the people to a high pitch of excitement.

A large body of men from the surrounding counties met at Fredericksburg with arms in their hands, and, on the summons of Mr. Henry, the Hanover Volunteers and the County Committee met at New Castle. These assemblies sent messengers to Williamsburg, who arrived on the 26th, offering assist-

ance. They were informed that everything was quiet, and brought back letters next day from Peyton Randolph, on behalf of the corporation, stating that the Governor's honor was pledged to return the gunpowder, though he had not fixed the time, deploring a conflict of arms, and advising that matters be quieted for the present.<sup>1</sup> The men at Fredericksburg had sought the advice of Colonel Washington, and he seems to have advised against marching to Williamsburg.<sup>2</sup> They thereupon dispersed after adopting very strong resolutions. In the meanwhile, news of the attack by the British troops at Concord and of the battle of Lexington reached Virginia, and was published in a supplement to the *Virginia Gazette* of April 29. Mr. Henry now could have no doubt as to the design of the Ministry, and he determined to strike a blow at once which would encourage the people, and would teach the Government the temper of the patriots. Indeed, when Mr. Henry was informed of the act of Dunmore he at once determined to use it to advance the patriot cause, and on his way to meet the County Committee he said to his friends, "that it was a fortunate circumstance which would arouse the people from North to South. You may in vain mention to them the duties upon tea, etc. These things, they will say, do not affect them. But tell them of the robbery of the magazine, and that the next step will be to disarm them, and they will be then ready to fly to arms to defend themselves."<sup>3</sup> Having obtained the sanction of the

<sup>1</sup> Southern Literary Messenger for July, 1858, p. 26.

<sup>2</sup> Sparks's Washington, ii., 507-9.

<sup>3</sup> This was said to Richard Morris and George Dabney, two of the Committee, the latter of whom reported it to Mr. Wirt.

County Committee for his enterprise, on May 2, he addressed the volunteers assembled at New Castle in an eloquent speech, the heads of which are given by Mr. Wirt, as follows :

“He laid open the plan on which the British Ministry had fallen to reduce the colonies to subjection, by robbing them of all the means of defending their rights, spread before their eyes, in colours of vivid description, the fields of Lexington and Concord, still floating with the blood of their countrymen, gloriously shed in the general cause; showed them that the recent plunder of the magazine in Williamsburg was nothing more than a part of the general system of subjugation; that the moment was now come in which they were called upon to decide, whether they chose to live free, and hand down the noble inheritance to their children, or to become hewers of wood, and drawers of water to those lordlings, who were themselves the tools of a corrupt and tyrannical ministry—he painted the country in a state of subjugation, and drew such pictures of wretched debasement and abject vassalage, as filled their souls with horror and indignation—on the other hand, he carried them, by the powers of his eloquence, to an eminence like Mount Pisgah; showed them the land of promise, which was to be won by their valour, under the support and guidance of heaven, and sketched a vision of America enjoying the smiles of liberty and peace, the rich productions of her agriculture waving on every field, her commerce whitening every sea, in tints so bright, so strong, so glowing, as set the souls of his hearers on fire. He had no doubt, he said, that that God, who in former ages had hardened Pharaoh’s heart, that he might show forth his power and glory in the redemption of his chosen people, had, for similar purposes, permitted the flagrant outrages

which had occurred in Williamsburg, and throughout the continent. It was for them now to determine, whether they were worthy of this divine interference; whether they would accept the high boon now held out to them by heaven—that if they would, though it might lead them through a sea of blood, they were to remember that the same God whose power divided the Red Sea for the deliverance of Israel, still reigned in all his glory, unchanged and unchangeable—was still the enemy of the oppressor, and the friend of the oppressed—that he would cover them from their enemies by a pillar of cloud by day, and guide their feet through the night by a pillar of fire—that for his own part, he was anxious that his native country should distinguish itself in this grand career of liberty and glory, and snatch the noble prize which was now offered to their grasp—that no time was to be lost—that their enemies in this colony were now few and weak—that it would be easy for them, by a rapid and vigorous movement, to compel the restoration of the powder which had been carried off, or to make a reprisal on the King's revenues in the hands of the receiver-general, which would fairly balance the account—that the Hanover volunteers would thus have an opportunity of striking the first blow in this colony, in the great cause of American liberty, and would cover themselves with never-fading laurels.”

The men were inflamed by his speech, and electing him their captain by acclamation, they declared their determination to follow wherever he should lead. He at once despatched Ensign Parke Goodall with sixteen men to Laneville, in King William County, the residence of Colonel Richard Corbin, who was acting as the King's Receiver-Gen

eral, with orders to demand of him £330, as compensation for the gunpowder, and in case of his refusal, to take him prisoner, and report at Doncastle Ordinary. Captain Henry at the head of one hundred and fifty men then took up the line of march to Williamsburg. The news of this bold movement spread rapidly, and volunteers started up on all sides eager to join his standard. The number is said to have reached five thousand.

The Governor had called together the Council on May 2, at the palace, fearing to trust himself in the Council Chamber, and made them an address in justification of his conduct,<sup>1</sup> charging that the excitement in the colony was due to "headstrong and designing people, by whom plans and schemes are unquestionably meditated in this colony for subverting the present, and erecting a new form of government." At his instance a proclamation was issued the next day in accordance with his address,<sup>2</sup> which seems to have been alone opposed by John Page, the youngest member of the Council. It was evident that this was aimed at Captain Henry, whom the Governor now openly abused as a rebel, and the author of all the existing disturbances, charging him with cowardice in not setting out with Randolph and Pendleton for the Continental Congress,<sup>3</sup> and threatening to inflict upon him a rebel's punishment. When news reached Williamsburg, however, that Henry at the head of an armed force was marching upon the city, the Governor's blustering gave way to terror. He armed the Indian hostages and his slaves, planted cannon at the

<sup>1</sup> American Archives, 4th Series, ii., 404.

<sup>2</sup> Idem, 465.

<sup>3</sup> It was believed he had planned to arrest all three on their journey.

palace, obtained from Captain Montague of the *Fowey*, man-of-war, lying at York, a detachment of sailors and marines, and urged the town authorities, in vain, to call out the military and resist Henry's entrance.<sup>1</sup> He sent Lady Dunmore and her children aboard the *Fowey*, and would doubtless have retired to that place of safety himself,<sup>2</sup> had he failed to arrest Henry's march. In order to do this he prevailed on the leading men of Williamsburg, including prominent patriots who would likely influence Henry, to send messenger after messenger imploring him to desist from his design. These messengers were detained by Captain Henry, while he continued his determined and orderly advance. Reaching Doncastle, sixteen miles from Williamsburg, he halted for Ensign Goodall, who soon reported that Colonel Corbin was absent from home, and at Williamsburg. Finding all other means unavailing to ward off Henry's attack, the Governor sent Carter Braxton, the son-in-law of Colonel Corbin, with an offer to pay the amount demanded; and the offer being submitted to the volunteers, and deemed satisfactory, the amount was paid, and the following receipt given:

" DONCASTLE'S ORDINARY, NEW KENT,  
" May 4, 1775.

" Received from the Honourable Richard Corbin, Esq., His Majesty's Receiver-General, £330, as a compensation for the Gunpowder lately taken out of the public Magazine by the Governour's order; which money I promise to convey to the Virginia

<sup>1</sup> Bancroft, vii., 277.

<sup>2</sup> Colonel Samuel Meredith stated in his communication to Mr. Wirt that the Governor actually went aboard.

Delegates at the General Congress, to be under their direction laid out in Gunpowder for the Colony's use, and to be stored as they shall direct, until the next Colony Convention, or General Assembly, unless it shall be necessary, in the mean time to use the same in defence of this Colony. It is agreed, that in case the next Convention shall determine that any part of the said money ought to be returned to His Majesty's Receiver-General, that the same shall be done accordingly.

"PATRICK HENRY, JUNIOR."

Captain Henry then sent by express the following letter to Robert Carter Nicholas, the treasurer of the Colony.

"May 4, 1775.

"SIR: The affair of the powder is now settled, so as to produce satisfaction to me, and I earnestly wish to the Colony in general. The people here have it in charge from the *Hanover* Committee, to tender their services to you as a public officer, for the purpose of escorting the public Treasury to any place in this Colony, where the money would be judged more safe than in the City of *Williamsburg*. The reprisal now made by the *Hanover* Volunteers, though accomplished in a manner least liable to the imputation of violent extremity, may possibly be the cause of future injury to the Treasury. If therefore you apprehend the least danger, a sufficient guard is at your service. I beg the return of the bearer may be instant, because the men wish to know their destination.

"With great regard, I am, Sir, your most humble servant,

"PATRICK HENRY, JUNIOR."

To this an answer was returned by Mr. Nicholas importing "that he had no apprehension of the ne-

cessity or propriety of the proffered service." At the same time information was received, that the citizens of Williamsburg were in a good measure quieted from their late apprehensions of violence at the hands of the Governor, and thereupon the volunteers were dismissed, and returned to their homes to await the further direction of the general Congress, or Colonial Convention.

No sooner was the Governor informed that Captain Henry had dismissed his command, than his courage revived, and he issued the following proclamation.

"Virginia, to wit:

"*Whereas*, I have been informed, from undoubted authority, that a certain Patrick Henry, of the county of *Hanover*, and a number of his deluded followers, have taken up arms and styling themselves an Independent Company, have marched out of their County, encamped, and put themselves in a posture for war, and have written and dispatched letters to divers parts of the Country, exciting the people to join in these outrageous and rebellious practices, to the great terror of all His Majesty's faithful subjects, and in open defiance of law and government; and have committed other acts of violence, particularly in extorting from His Majesty's Receiver-General the sum of Three Hundred and Thirty Pounds, under pretence of replacing the Powder I thought proper to order from the Magazine; whence it undeniably appears that there is no longer the least security for the life or property of any man:

Wherefore, I have thought proper, with the advice of His Majesty's Council, and in His Majesty's name, to issue this my Proclamation, strictly charging all persons, upon their allegiance,



not to aid, abet, or give countenance to the said *Patrick Henry*, or any other persons concerned in such unwarrantable combinations, but on the contrary to oppose them and their designs by every means; which designs must, otherwise, inevitably involve the whole Country in the most direful calamity, as they will call for the vengeance of offended Majesty and the insulted laws to be exerted here, to vindicate the constitutional authority of Government.

"Given under my hand and the seal of the Colony, at *Williamsburg*, this 6th day of *May*, 1775, and in the fifteenth year of His Majesty's reign.

"DUNMORE.

"*God save the King.*"

To the Ministry Dunmore denounced Mr. Henry, as "a man of desperate circumstances, who had been very active in encouraging disobedience and exciting a spirit of revolt among the people for many years past."<sup>1</sup>

The Council at this time consisted of Thomas Nelson, Richard Corbin, William Byrd, Ralph Wormley, Jr., Rev. John Camm, and John Page. The latter in his memoir<sup>2</sup> states, that having at the previous meeting advised the restoration of the powder, he was never afterward summoned to attend the meetings. It is probable that Nelson, the uncle of General Nelson, was also opposed to the Governor's course. But the people generally looked upon the whole Council with suspicion, and held them, with the Governor, as enemies of Virginia, a feeling which was greatly intensified by this proclamation, and by one issued by the Council on May 15, ex-

<sup>1</sup> Bancroft, vii., 335.

<sup>2</sup> Virginia Historical Register, iii., 149.

pressing "abhorrence and detestation of that licentious and ungovernable spirit that is gone forth, and misleads the once happy people of this country."<sup>1</sup>

Mr. Henry's bold move was not alone condemned by the Council. Some of the leading men in Williamsburg and the lower counties thought it rash and ill-advised, and calculated to precipitate the colony into a war with England.<sup>2</sup> They did not see that war was inevitable, had, in fact, commenced, and that nothing was to be gained by further forbearance. Fearing that this feeling might cause an attack upon him in the approaching Convention, Mr. Henry wrote the following letter to his personal friend, Francis Lightfoot Lee, before setting out for Philadelphia.

"HANOVER, May 8, 1775.

"DEAR SIR: For the several facts relative to the transactions of the Hanover Volunteers, who marched in consequence of the Governor's conduct in the affair of the powder, and the reprisal made by us, I refer you to the public papers, which I expect will give a true recital of that matter. I find it is now said by those who opposed the measure we took, that the powder belonged to the King. And it is very remarkable the Governor, in his late proclamation, seems to rely upon that as a principal fact on which he is to be justified. But I rely on the address of the city of Williamsburg, and his answer to it also, to prove the contrary. Why does he promise to return it in half an hour? And again what powder was he to return, or did he take? I answer the powder mentioned in the address; to wit, that

<sup>1</sup> American Archives, 4th Series, ii., 587.

<sup>2</sup> An able defence of Mr. Henry appeared in the public prints over the signature of "Brutus." See *Idem*, ii., 641.

which was provided for the safety of the Colony, and for the loss of which Williamsburg was so much alarmed. But I ask, suppose it was the King's, what right had any one to deposit it in the magazine, built expressly for the purpose of receiving such ammunition as was at any time necessary for our safety? His Majesty can have no right to convert the houses, or other conveniences necessary for our defence, into repositories for engines of our destruction. So that the presumption is, that the powder being there it was ours. It was a trespass to open that place for the reception of any other. Add to this what is contained in his lordship's answer referred to above, and no doubt can remain but that the pretence of the Crown having a property in it is a quibble. For the sake of the public tranquillity, as well as of justice, I chose to be active in making the reprisal. And having designedly referred to the Convention whether any of the money ought to be returned, lest presuming too much might be alleged against me, I trouble you, sir, with this, to be an advocate for the measure if you think it right. I suppose my attendance at the Congress may prevent me from being present at the Convention, where perhaps an attempt may be made to condemn the measure and misrepresent my conduct. I trust that the moderation and justice of the proceeding will fully appear from a great variety of circumstances. And that my countrymen will support me in it, especially when we consider the hostilities to the Northward would have justified much greater reprisals, which I chose to decline as the Convention might probably so soon meet. To the collective body of my country I chose to submit my conduct, and have to beg you will excuse the trouble I have given you by this long letter. I only mean to beg your attention to the subject, that you may not be surprised at some objections against my pro-

ceedings, which I fear will be made by some gentlemen from below.

"Will you be so good as to excuse inaccuracies? Hurry obliges me to use the pen of a young man to transcribe. The few reasons intimated above are indeed unnecessary to you, whose better judgment is able to inform me. You will readily perceive the absurdity of the pretence, that the King can have a property in anything distinct from his people, and how dangerous is the position that his protection (for which we have already paid him) may be withdrawn at pleasure. If any doubt remains as to the fitness of the step I have taken, can it lay over until I am heard? I can mention many *facts* which I am sure will abundantly warrant what is done. Wishing you every good thing, I remain with sentiments of the highest and most perfect esteem and regard,

"Dear sir,

"P. HENRY.

"TO FRANCIS LIGHTFOOT LEE, Esq."

But he was not long left in doubt as to the verdict of the people upon his conduct. County after county through its Committee warmly applauded his course, his old constituents in Louisa leading the way.<sup>1</sup> On May 9, the Committee of Hanover adopted a paper assuming the responsibility of the movement, carefully detailing its progress and result, testifying to the orderly conduct of the volunteers, and thanking them and "the many volunteers of the different counties who joined and were marching" with them, for their services.<sup>2</sup> Congratulatory addresses and resolutions, approving his con-

<sup>1</sup> See American Archives, 4th Series, ii., 529, et seq., for these proceedings. Those preserved in the public prints were from Orange, Spottsylvania, Prince William, Loudon, Lancaster, Prince Edward, and Fincastle.

<sup>2</sup> American Archives, 4th Series, ii., 540.

duct and pledging him support, poured in upon Mr. Henry from all parts of the colony, and when he set out on May 11, for the Continental Congress, his journey was impeded by express riders bringing these communications, which he was forced to answer.<sup>1</sup> His journey till he crossed the Potomac was thus described in the public prints at the time.<sup>2</sup>

"HANOVER, May 12, 1775.—Yesterday, Patrick Henry, one of the Delegates of this Colony, escorted by a number of respectable young gentlemen, Volunteers from this and King William and Caroline Counties, set out to attend the General Congress. They proceeded with him as far as Mrs. Hooe's Ferry, on the Potomack, by whom they were most kindly and hospitably entertained; and also provided with boats and hands to cross the river. And after partaking of this lady's beneficence, the bulk of the company took their leave of Mr. *Henry*, saluting him with two platoons and repeated huzzas. A guard accompanied that worthy gentleman to the Maryland side, who saw him safely landed; and committing him to the gracious and wise Disposer of all human events, to guide and protect while contending for a restitution of our dearest rights and liberties, they wished him a safe journey, and a happy return to his family and friends."

This escort was not alone to do honor to Mr. Henry. The proclamation and private threats of Dunmore made it certain that he desired his arrest, and this military escort was to insure his safety till he crossed the Potomac.

At the head of the volunteers from Hanover, who

<sup>1</sup> MS. Letter to Mr. Wirt from Nathaniel Pope.

<sup>2</sup> American Archives, 4th Series, ii., 541.

constituted an important part of this escort, rode Mr. Henry's intimate friend, Parke Goodall. To him Mr. Henry talked freely. He told him that there ought to be at once a confederation of all of the colonies against Great Britain, and that he was satisfied that the Northern colonies would enter alone into the impending war, if the Southern colonies were pusillanimous enough to desert them. But he expressed confidence that this would never be. He was sure there would be a general confederation, and that independence would be established, if not by our own exertions, with the aid of foreign powers.<sup>1</sup>

Mr. Henry was as thoroughly convinced as Lord Chatham, that the *immedicabile vulnus* had been inflicted at Lexington, and he was satisfied that the war must of necessity be one for independence. But he knew that the measures of the Ministry had not as yet entirely alienated the people of America, nor destroyed all hope of reconciliation. And no great leader was ever more accurate in measuring a popular movement, or wise in proposing advanced measures at the moment when the people were ready for them. For the present, therefore, he was content to adopt such measures as would keep the people together, and to patiently wait till the fulness of time enabled him to strike the decisive blow for independence. His calm demeanor was in striking contrast with the impatience of his friend John Adams, as displayed in his utterances in Congress and in letters to his friends.<sup>2</sup>

<sup>1</sup> MS. Letter of Nathaniel Pope to William Wirt.

<sup>2</sup> See Letter to James Warren in *Life and Works of John Adams*, II., 411.

Mr. Henry took his seat in Congress on May 18. No account of the debates has been preserved, and but little is known of their proceedings except what is shown by the Journal. But few new members appeared in the body; among these, however, were some of consummate ability. In the New York delegation, now representing a colony controlled by the patriots, was George Clinton, afterward distinguished as a general, as Governor of New York, and as Vice-President of the United States by two elections. In the Pennsylvania delegation appeared Benjamin Franklin, just returned from his residence in London, and already famous in two continents; with him was James Wilson, afterward distinguished as a judge of the United States Supreme Court and as a Law Professor. John Hancock, prominent by reason of his great fortune and devoted patriotism, appeared as a delegate from Massachusetts, and upon the departure of Peyton Randolph for the Virginia Assembly was made President of the Congress. The first representative from Georgia, Lyman Hall, also appeared, representing the parish of St. John, the forerunner of a full delegation at the next session.

The body had been in session for a week and was earnestly considering the state of America. On assembling it had been met by a communication from the Colonial Agents in London, relating the neglect of the petition to the King, and the harsh and tyrannical measures of Parliament; and by a communication from the Provincial Congress of Massachusetts, relating the unprovoked commencement of hostilities at Lexington and Concord, and the subsequent investment of Boston by a provin-

cial army, commanded by General Artemas Ward of Massachusetts. The members of Congress had been appointed before the commencement of hostilities, and their commissions only authorized them to take measures for a redress of grievances and for a restoration of harmony with Great Britain. They found themselves in the greatest embarrassment; therefore, from a want of power to meet the exigencies of the hour, an embarrassment increased by the division of sentiment in the body as to the proper course to be pursued by the colonies. John Adams, with whom probably Samuel agreed, urged that they make a virtue of necessity, and take up the government of the continent, raise at once an army and navy, and arrest the friends of British government to be held as hostages for the people of Boston, and then open negotiations for peace and reconciliation.<sup>1</sup> A party led by John Jay and John Dickinson, on the contrary, insisted on strictly defensive measures, and a further effort at reconciliation through another petition to the King.<sup>2</sup>

On May 15, a communication was received from the city and county of New York, informing Congress of the expected arrival of British troops in their midst, and asking for advice as to how they should conduct themselves. In the debate which ensued the party led by Jay and Dickinson prevailed, and the people of New York were advised to act strictly on the defensive, not to resist the landing of the troops, but to be prepared to protect themselves from insult and injury. At the same time a com-

<sup>1</sup> See Letter to James Warren, July 24, 1775, *Life and Works of John Adams*, ii., 411.

<sup>2</sup> *Life of John Jay*, i., 86.



mittee was appointed, with Washington as its chairman, to consider what posts should be occupied in the State of New York and with what force. Thus the line of policy to be pursued had been determined on by Congress before Mr. Henry took his seat, but the current of events soon swept them along at a more rapid rate than they intended, and in adopting measures of defence they became of necessity active belligerents.

Mr. Henry found the same disposition to follow the lead of the Virginia delegates as formerly.<sup>1</sup> It became their duty therefore to direct the swelling tide of revolution, and this they did with steadiness and caution.

On the day Mr. Henry took his seat intelligence was received of the capture of Ticonderoga with a large quantity of arms and ammunition, by a detachment from Massachusetts and Connecticut led by Colonel Ethan Allen. This bold and aggressive movement could not be condemned, as there was evidence that the military stores were intended for use by a force preparing to invade the colony of New York from Canada, and besides the stores were greatly needed by the colonists. The Congress therefore justified the act as one of precaution, and recommended that the cannon and stores be secured, but, with a most conscientious regard for the line of conduct they had determined on, they added to their recommendation, "that an exact inventory be taken of all such cannon and stores, in order that they may be safely returned when the restoration of the former harmony between Great Britain and

<sup>1</sup> Letter of John Adams to Timothy Pickering, *Life and Works of John Adams*, ii., 512.

these colonies, so ardently wished for by the latter, shall render it prudent and consistent with the overruling law of self-preservation."

For a week Congress continued to debate in Committee of the Whole the state of America, before coming to any conclusion, but on May 26, with Lord North's proposals before them by a formal reference of the Assembly of New Jersey, they recounted the oppressive Acts of Parliament, and the commencement of hostilities by the Ministry, and unanimously resolved, "that for the purpose of securing and defending these colonies, and preserving them in safety against all attempts to carry the said Acts into execution by force of arms, these colonies be immediately put into a state of defence." They added to this resolve the expression of an ardent wish for reconciliation, and a resolution that to promote it, "an humble and dutiful petition be presented to his Majesty," and that it contain a request that negotiations be entered into to effect the desired accommodation. They also recommended to New York the fortification of a post at Kingsbridge for the protection of the city, and of another in the Highlands on the Hudson to command the navigation of the river,<sup>1</sup> and the embodiment of three thousand troops to man these and the post on Lake George; also the arming and training of the militia of New York, and the disposition of troops within the city for its protection; and added the following significant advice to the Congress of that colony: "To persevere the more vigorously in preparing for their defence, as it is very uncertain whether the earnest endeavors of the Congress

<sup>1</sup> This was the beginning of the fortification at West Point.

to accommodate the unhappy differences between Great Britain and the colonies by conciliatory measures, will be successful."

These resolutions were in fact a rejection of Lord North's proposals for accommodation, and a determination to enter at once upon the war which might be the consequence, but at the same time an offer to treat for peace on the condition of the recognition of their liberties, a condition they had but little hope of securing. By this action, therefore, Congress declined peace on the only terms which were offered, or which they expected would be offered, and accepted war as the alternative.

In the momentous debate which resulted in this action it cannot be doubted that Mr. Henry's voice was heard. The bugle call to arms, which he had sounded in the Virginia Convention only two months before, was most certainly repeated with all the energy and eloquence of which he was capable, now that he stood in the midst of the representatives of the united colonies. It is, indeed a significant fact, that the first utterance of the body after the day Mr. Henry took his seat was a unanimous determination to arm for the defence of their liberties, a determination which fixed the fate of America, and assured her political freedom.

The Congress now went to work industriously to prepare the colonies for war. A committee, with Washington at its head, was directed to consider and report immediately the ways and means to supply the colonies with ammunition and military stores. Its recommendations were acted on, and as an additional measure, a member from each colony was selected to inquire, during recess, in the

several colonies after lead, and the best method of collecting, smelting, and refining it, and also the cheapest and easiest methods of making salt. Upon this committee Mr. Henry was placed for Virginia.<sup>1</sup> A postal service was established, with Franklin as the first Postmaster-General. Upon the request of the Provincial Congress of Massachusetts for advice as to taking up civil government, they advised the people to elect an Assembly, and the Assembly to elect a Council, which together should exercise the powers of government, until a Governor of his Majesty's appointment would consent to govern the colony according to its charter.

The Provincial Congress of Massachusetts having also requested Congress to take the regulation and direction of the army investing Boston, it was determined after anxious consideration to comply with the request. This was a decided step in advance of the position previously taken by the body, which had been to act merely as an advisory body for the colonies. It was in fact to engage the colonies in war with Great Britain. It required an assumption of adequate powers, and was apparently an act of the greatest rashness. Great Britain was one of the great powers of Europe, having a strong government, a powerful army and navy thoroughly equipped and trained, and boundless resources. America had no trained army, and no navy whatever, and was without munitions of war or money. But its greatest want was a general government with power to concentrate and wield the resources of the colonies. The Congress had not the power to enforce a single enactment, and was entirely depen-

<sup>1</sup> A striking tribute to his capacity for details.

dent on the compliance of the several colonies with their requisitions. The righteousness of their cause, the patriotism of the people, and the favor of the God of battles, were the reliance of Congress in the momentous struggle upon which they entered. With a profound sense of their dependence on "the Great Governor of the world," in this crisis of their affairs, they recommended that July 20 be observed by the people "as a day of public humiliation, fasting, and prayer." The observance was general and profoundly impressive.

On June 15, Mr. Henry had the supreme satisfaction of seeing Washington, whom he had long considered the foremost man in America, chosen by a unanimous vote to be the "Commander-in-Chief of the forces raised, or to be raised, in defence of American liberty." The next day he heard the modest terms in which Washington accepted the great trust, and displayed his disinterested devotion to the cause by refusing to receive any compensation for his services. How sincerely he distrusted his ability to successfully defend American liberty against the great odds arrayed against it, was profoundly impressed on Mr. Henry when Washington, on the same day, said to him in the intimacy of friendship, and with his eye glistening with a tear, "This day will be the commencement of the decline of my reputation."<sup>1</sup> Happily for mankind, his modesty underestimated his abilities, and that day was the commencement of the more vigorous growth of a reputation which has filled the world.

Artemas Ward was made the first Major-General,

<sup>1</sup> Bancroft, vii., 401.

and Charles Lee the second. Lee was a clever but eccentric British officer, who had seen considerable service, and fancied himself neglected by his government. He had bought property in Virginia, and had warmly espoused the cause of the colonies. His election was urged by some of the Southern members, among whom was Washington, and advocated by John and Samuel Adams. Mr. Henry probably nominated him, as he was appointed the chairman of the committee to inform him of his election. Before accepting the commission tendered to him, General Lee requested a conference with a committee on which each colony should be represented by a delegate. Mr. Henry represented Virginia on this committee, and his admiration for the man he had just aided in making a Major-General in the American army must have been chilled, when he found that he had estimated his estate, and required indemnity for any loss of property he might sustain by entering into their service, a striking contrast to the unselfish devotion of Washington to the cause of his country.

Philip Schuyler and Israel Putnam were also made Major-Generals, and Horatio Gates was appointed Adjutant-General. Eight Brigadier-Generals were elected.

It was determined to increase the army around Boston by twelve companies of expert riflemen, to be enlisted for one year, of which eight were to be raised in Pennsylvania, two in Maryland, and two in Virginia. Rules and regulations for the army were adopted, and the issue of three millions of dollars in paper money ordered, which the several colonies were asked to provide means to redeem.

Of this issue \$496,278, the largest quota, was assigned to Virginia.

It is an interesting circumstance, and one which shows the warm personal relations between the two men, that the first communication made to Congress by General Washington was through Mr. Henry. The Journal of June 21, shows that "Mr. Henry informed the Congress that the General had put into his hands sundry queries to which he desired the Congress would give an answer." Mr. Henry was one of the committee of five appointed to report the proper answers to these queries.

On the same day Thomas Jefferson appeared for the first time as a delegate from Virginia, bringing with him the reply of her House of Burgesses to Lord North's proposals, of which he was the draftsman. On the next day information was received of the battle of Bunker Hill, as it is commonly known, and that the eminent patriot Joseph Warren was among the slain. His loss deeply moved the hearts of the patriots throughout America, and Mr. Henry, beholding its effect, exclaimed, "A breach on our affections was needed to arouse the country to action."<sup>1</sup>

On July 18, Congress recommended to the colonies to organize and train their entire militia, consisting of males between sixteen and fifty, and to provide sufficient stores of ammunition. They at the same time recommended "to each colony to appoint a Committee of Safety, to superintend and direct all matters necessary for the security and defence of their respective colonies, in the recess of their assemblies and conventions."

<sup>1</sup> Bancroft, viii., 30.

Thus Congress soon realized the fact, announced by Mr. Henry at their first meeting, that the royal government was dissolved, and the colonies must provide governments in its stead.

The relations of the Indians to the colonies, in the struggle they were now entering upon, was a matter of the utmost importance. When the King was informed of the battles of Concord and Lexington, he determined to increase his forces in America, and to engage the assistance of the Six Nations in subduing his rebellious subjects. He sent directly to the unscrupulous Guy Johnson, the Indian agent, an order to lose no time in inducing them to "take up the hatchet against the colonists."<sup>1</sup> The matter was brought to the attention of Congress by the convention of New York, and by a petition from West Augusta County in Virginia. On June 16, a committee of five were appointed, of which Mr. Henry was a member, to report what steps should be taken for securing and preserving the friendship of the Indian nations. Upon the report of this committee the Indian territory was divided into three departments, the northern to embrace the Six Nations and the tribes to the northward, the southern the Cherokees and the tribes to the southward, and the middle the tribes between the other two. Commissioners were appointed for these departments, with power to treat with the Indians in order to preserve their friendship. For the middle department Mr. Franklin, Mr. Henry, and Mr. Wilson were unanimously elected commissioners. Mr. Henry also served on a committee to examine an invoice of Indian goods offered to Congress by a Mr. Alsop, and on a com-

<sup>1</sup> Bancroft, vii., 349.



mittee to negotiate with Rev. Samuel Kirkland, an Indian missionary, to secure his services among the Six Nations, in order to obtain their friendship or neutrality.

The appointments of Mr. Henry on the several committees which have been noticed, demonstrate clearly his high standing in the body as a working member, and that he had shown himself as efficient in action as he was eloquent in speech.

The troubles which grew out of the disputed boundary between Virginia and Pennsylvania continued to increase under the violence of John Connolly, the unprincipled agent of Lord Dunmore, who was anxious to embroil the two colonies in civil strife. To prevent this, and to unite the people on the border in the struggle between the colonies and Great Britain, was the ardent wish of Mr. Henry and of his associates in Congress from the two colonies. They accordingly united in the following patriotic address.<sup>1</sup>

*"To the Inhabitants of Pennsylvania and Virginia, on the west side of Laurel Hill.*

“PHILADELPHIA, July 25, 1775.

“FRIENDS AND COUNTRYMEN: It gives us much concern to find that disturbances have arisen, and still continue, among you, concerning the boundaries of your colonies. In the character in which we now address you, it is unnecessary to inquire into the origin of those unhappy disputes, and it would be improper for us to express our approbation or censure on either side; but as representatives of two of the colonies, united among many others for the

<sup>1</sup> American Archives, 4th Series, ii., p. 1723.

defence of the liberties of *America*, we think it our duty to remove, as far as lies in our power, every obstacle that may prevent her sons from co-operating, as vigorously as they would wish to do, toward the attainment of this great and important end. Influenced solely by this motive, our joint and earnest request to you is, that all animosities among you as inhabitants of distinct colonies, may now give place to generous and concurring efforts for the preservation of everything that can make our common country dear to us.

"We are fully persuaded that you, as well as we, wish to see your differences terminate in this happy issue. For this desirable purpose we recommend it to you that all bodies of armed men, kept under either province, be dismissed, that all those on either side who are in confinement, or under bail, for taking a part in the contest, be discharged, and that until the dispute be decided, every person be permitted to retain his possessions unmolested.

"By observing these directions, the publick tranquillity will be secured without injury to the titles on either side. The period, we flatter ourselves, will soon arrive when this unfortunate dispute, which has produced much mischief, and as far as we can learn no good, will be peaceably and constitutionally determined.

"We are your friends and countrymen,  
"PATRICK HENRY, JOHN DICKINSON,  
"BENJAMIN HARRISON, BENJAMIN FRANKLIN,  
"RICHARD HENRY LEE, CHARLES HUMPHREYS,  
"THOMAS JEFFERSON, GEORGE ROSS,  
"JAMES WILSON."

During the last days of the session Dr. Franklin introduced a draft of articles of confederation to be proposed to the several colonies.

Mr. Henry had already expressed himself warmly

in favor of the measure, and was its earnest advocate until it was subsequently adopted. For the present, however, the hope of reconciliation entertained by those who urged the second petition to the King stood in the way of this important measure, which was looked upon as an act of independence.

The papers which emanated from this Congress were marked by the same ability and patriotism which had distinguished those put forth by the Congress of 1774. The most important were an address "To the Oppressed Inhabitants of Canada," written by John Jay; "A Declaration by the Representatives of the United Colonies of North America, now met in Congress at Philadelphia, setting forth the Causes and Necessity of their Taking up Arms," and "A Petition to the King's most Excellent Majesty," both written by John Dickinson; "An Address to the Inhabitants of Great Britain," written by Richard Henry Lee; "An Address to the People of Ireland," written by William Livingston; and "A Reply to the Resolutions of the House of Commons of February 20, 1775," known as Lord North's proposals, which was written by Thomas Jefferson, and which, following the paper adopted by the Virginia Assembly, presented in a masterly manner the reasons why the colonies declined to accept those proposals as a basis of settlement. In these papers Congress reiterated their claim to the political rights denied them by the British Government, and declared their determination to maintain them at all hazards, but they at the same time deprecated the necessity which forced them to take up arms, and protested that they did not desire independence. The petition to the King

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was severely criticised by some, who considered it too humble in its tone. Its spirit was certainly in marked contrast with that of the petition of the preceding Congress. But this was doubtless wise, as the boldness of the first petition was alleged as a reason for its neglect, and the party that proposed the second petition desired to leave the King without excuse if he turned a deaf ear to this, their *last* appeal for reconciliation.

Congress adjourned on August 1, till September 5, and Mr. Henry returned at once to Virginia. On the day before he left Philadelphia he addressed the following graceful letter to General Washington, introducing to him a gentleman seeking military service, and at the same time indicating his appreciation of the struggle they were entering upon.

"PHILADELPHIA, July 31<sup>st</sup>, 1775.

"SIR: Give me Leave to recommend the Bearer, Mr. Frazer, to your Notice & Regard. He means to enter the American Camp, & there to gain that Experience of which the general Cause may be avail'd. It is my earnest wish that many Virginians might see service. It is not unlikely that in the Fluctuation of things our Country may have occasion for great military Exertions. For this Reason I have taken the Liberty to trouble you with this & a few Others of the same Tendency. The public good which you, Sir, have so eminently promoted, is my only motive. That you may enjoy the protection of Heaven, & live long & happy, is the ardent Wish of,

"Sir,

"Y<sup>r</sup> mo. ob<sup>t</sup> hble serv<sup>t</sup>,

"P. HENRY J<sup>r</sup>."

"His Excellency GEN<sup>l</sup> WASHINGTON."

## CHAPTER XIII.

### COLONEL OF FIRST VIRGINIA REGIMENT.—1775.

Virginia Riflemen Sent to Boston.—Meeting of the Assembly.—Difficulties with Governor Dunmore.—His Flight.—Demand of Hanover Presbytery for Religious Liberty.—Meeting of Third Convention.—George Mason a Member.—Troops Ordered to be Raised.—Patrick Henry Made Colonel of the First Regiment and Commander of Virginia Forces.—Committee of Safety Appointed.—Address of Convention.—Enthusiastic Reception of Colonel Henry by His Troops.—The Colonies Declared to be in a State of Rebellion.—War Upon Virginia by Dunmore.—The Committee of Safety Prevent Colonel Henry from Taking the Field.—Battle of Great Bridge.—Meeting of Elizabeth Henry and William Campbell.

THE rifle corps ordered by Congress was quickly filled up. The whole twelve companies were raised, equipped and in camp by August 14. The two from Virginia were from the lower valley, and were commanded by Captain Hugh Stephenson<sup>1</sup> and Captain Daniel Morgan. Captain Stephenson was in 1776 appointed colonel of a regiment of riflemen ordered to be raised, of which four companies were from Virginia. He died before taking command, and was succeeded by Captain Morgan.<sup>2</sup> Daniel Morgan, so celebrated afterward as a soldier, marched his company from Frederick County to Boston, a distance of six hundred miles, in three weeks.<sup>3</sup> He carried his company afterward with

<sup>1</sup> In Executive Journal of October 9, 1778, there is an order concerning the extra pay allowed his company.

<sup>2</sup> Sparks's Washington, iv., 124.

<sup>3</sup> Writings of Washington, iii., 100. Washington is said to have been greatly moved when he saw them enter camp.

Montgomery upon the unfortunate expedition into Canada, and won his first distinction in that campaign.

Events of the greatest importance were taking place in Virginia while Congress was in session, and before the day of adjournment arrived the Virginia delegation had become impatient to return to their homes.<sup>1</sup>

Dunmore, after having prorogued the Assembly a half dozen times to prevent their meeting, was forced to call them together by the order of the Ministry, to submit to their consideration Lord North's proposals, which were styled by the Tories "the Olive Branch." The House met June 1, greatly excited by the commencement of hostilities at the North, and in no good humor with the Governor. In addition to his base conduct and false statements about the removal of the powder from the magazine, his letters to Lord Dartmouth, misrepresenting the condition of things in the Colony, had been published among the papers laid before Parliament, and republished in Virginia.

The first communications between the Governor and the House were studied in their formal courtesy, but they ill concealed the mutual dislike and want of confidence which existed. Before proceeding to consider Lord North's proposals, the House determined to investigate the conduct of the Governor. They requested him to inform them of the number of militia lately called into service, and of the expense incurred, and what duty had been performed by them since the Indian expedition. A

<sup>1</sup> Letter of Benjamin Harrison to Washington, July 21, 1775. See American Archives, 4th Series, II., 1698.

committee was also appointed to inspect the public magazine and inquire into the stores belonging there. The appointment of this committee excited the anger of Lord Dunmore, and when they requested access to the magazine, he sent a rude message to the House concerning them, pretending to be ignorant of their appointment. To this the House replied with becoming dignity, but in a paper which exposed the deceit of the Governor. His Lordship then thought it best to inform the House of his reasons for removing the powder and arms from the magazine. His message claimed that the powder had been sent to the magazine from a man-of-war, and with the arms belonged to the King, and that their removal was because of the insecurity of the building. Their return was promised so soon as the building should be made secure.

On the next day, which was June 7, his Lordship secretly removed with his family to His Majesty's ship, the Fowey, lying at York, leaving a message for the House, in which he alleged that he and his family were no longer safe in Williamsburg. The House assured him of his safety, and requested his return so that the public business could be properly transacted, but his guilty conscience prevented him from trusting himself among a people he had so greatly wronged. From his new quarters he sent complaining messages, demanded the acceptance of Lord North's proposals, and finally attempted to get the House to attend him on board the ship. This they declined to do, treating the request as a breach of their privileges. The committees appointed to consider the condition of the colony and the causes of the late disturbances, made reports

which completely vindicated, and upon abundant testimony, the past conduct of the patriots in the colony, and exposed the duplicity of the Governor. These papers were adopted, and make a record which fully justifies the colony in her course in this most trying period. The House also adopted the able reply to Lord North's proposals which was prepared by Mr. Jefferson. After repairing and placing a guard at the magazine, they reminded the Governor of his promise to return the powder and arms taken away, but his refusal showed that his promise was never intended to be kept. His last act during the session was the veto of the bill to pay the soldiers engaged in the late Indian war, on the ground that the money was to be raised by a duty on imported slaves. The House finding that the formal ratification of the late treaty with the Indians had never been made by the Governor, appointed a commission to perform this duty, and on the same day, June 24, adjourned themselves to October 12, following, as the Governor had abandoned his post and they could no longer legislate.

No quorum ever met thereafter, and this was the last session of a colonial legislature in Virginia, and the last time a colonial Governor occupied her capitol. Thus expired colonial government in Virginia. Under different charters it had existed since 1607, and under it a noble people had been developed. It perished because of its violations by the King whose duty it was to maintain it. But it had served its purpose, and was soon to be succeeded by a system more perfectly adapted to a free people.

The great advance in the popular apprehension of free institutions at this period is indicated by a



very remarkable paper, adopted by Hanover Presbytery November 11, 1774, and presented to the Assembly of June, 1775. In the year 1772 the Assembly had ordered to be printed for circulation a Toleration Bill which was proposed, that the sense of the people upon it might be had. The Presbytery, composed for the most part of the Scotch-Irish settlers in the Colony, on behalf of themselves and all other dissenters, in a paper of great ability, protested against some of the features of the proposed bill as restrictive of religious liberty, and prayed, "for that freedom in speaking and writing upon religious subjects, which is allowed by law to every member of the British Empire in civil affairs, and which has long been so friendly to the cause of Liberty."<sup>1</sup>

This is the first distinct demand for religious liberty made at the bar of the Assembly by any body of Christians in Virginia, and was the beginning of a struggle which finally ended in the absolute divorce of Church and State, and the establishment of perfect religious liberty. It prevented the passage of the proposed bill against which it was aimed.

On July 17, following, the third Virginia Convention assembled at Richmond, composed of members elected before the late meeting of the Assembly. Among them was George Mason, of Fairfax, elected in the place of Washington, and now for the first time appearing in the councils of the Colony, into which he had been forced by his constituents. He at once took rank among the foremost of Virginia statesmen. Mr. Jefferson has sketched him, as he

<sup>1</sup> This interesting paper was printed in the Central Presbyterian, Richmond, Va., May 16, 1888.

appeared a few years later, in these striking words: "A man of the first order of wisdom among those who acted on the theatre of the Revolution, of expansive mind, profound judgment, cogent in argument, learned in the lore of our former constitution, and earnest for the republican change on democratic principles. His elocution was neither flowing nor smooth; but his language was strong, his manner most impressive, and strengthened by a dash of biting cynicism, when provocation made it seasonable." James Madison pronounced him the ablest man in debate he had ever seen. He was of aristocratic ancestry, a wealthy and systematic planter, devoted to study, but indifferent to the temptations of political ambition, and withal a man of the purest character. His appearance was striking. With an athletic frame, and a grave but handsome face lighted up by brilliant black eyes, he had a commanding presence and lofty bearing. When he took his seat in the Convention he was forty-nine years of age, his black hair was slightly frosted, and his appearance indicated a recent struggle with his inveterate enemy, the gout. From their first meeting a warm friendship existed between him and Mr. Henry, which was never interrupted, and which was strengthened by their agreement upon many of the vital questions which arose during their public service.

The Convention found the Governor not only absent from his post, but threatening war upon the colony. They determined at once to take up the reins of government, and to place the Colony in a state of defence. Their acts were no longer in the form of recommendations, as formerly, but took

the shape of ordinances, and were discussed and passed with the formalities of Acts of Assembly. It was determined to raise, and embody under proper officers, a sufficient armed force for the defence and protection of the Colony. Three regiments of one thousand men each were first determined on, and in addition, five companies, aggregating four hundred and twenty-five men, to be posted along the western border. On August 5, the Convention entered upon the election of general officers for the regiments. Mr. Henry had not then returned from Philadelphia, but it was understood that he desired a military command. His friends nominated him for colonel of the first regiment, it having been determined that this officer should be the commander-in-chief of the forces to be raised. The opposition united on Captain Hugh Mercer, of Fredericksburg, who had served with great distinction under Washington in the French and Indian War of 1755. It is no wonder that men with so much at stake should have hesitated to place in command of their entire forces a man of no military experience, however great his abilities as a civilian. Besides this hesitation, which Mr. Henry's warmest friends might have felt, there was still remaining in the breasts of some of the old leaders somewhat of the jealousy with which they at first regarded him, when in 1765, *per saltum*, he became the foremost man in the Colony. The first ballot stood for Hugh Mercer 41, for Patrick Henry 40, for Thomas Nelson 8, and for William Woodford 1.

The second ballot between the two highest resulted in the election of Mr. Henry. Notwithstanding the close vote, the result was a remarkable

tribute to Mr. Henry. Both Mercer and Woodford were officers of experience and ability, and nothing but the conviction of the majority, that the qualities which had made Mr. Henry a great political leader would make him a great military leader also, can explain their action in preferring him as the commander-in-chief of the Virginia forces.<sup>1</sup>

Thomas Nelson was then elected colonel of the second, and William Woodford colonel of the third regiment. Nelson declined the appointment, and Woodford was put in his place, and it was afterwards determined to raise only two regiments.

On August 9, the Journal states that "Patrick Henry, Edmund Pendleton, Benjamin Harrison and Thomas Jefferson, Esquires, appeared in Convention and took their seats; and the gentlemen appointed to represent their counties, during their necessary ab-

<sup>1</sup> A writer in the public prints over the signature of "Cato," who evidently had not been an advocate of Mr. Henry's election, afterward gave the following account of the circumstances attending it. (See American Archives, 4th Series, vol. iv., 1519.) "It was objected to Mr. Henry, that his studies had been directed to civil and not military pursuits; that he was totally unacquainted with the art of war, and had no knowledge of military discipline; and that such a person was very unfit to be at the head of troops who were likely to be engaged against a well disciplined army, commanded by experienced and able generals. These objections were answered by one gentleman, who said that Mr. Henry solicited the appointment, which he supposed Mr. Henry would not have done if he did not think himself qualified to command. Mr. Mercer was objected to for being a North-Briton. In answer to this objection it was admitted that Mr. Mercer was born in Scotland, but that he came to America in his early years, and had constantly resided in it from his first coming over; that his family and all his other connections were in this Colony; that he had uniformly distinguished himself a warm and firm friend to the rights of America; and what was of principal consideration, that he possessed great military as well as literary abilities. Mr. Nelson acknowledged Mr. Mercer's military abilities, declared he would not oppose his appointment, and hoped he himself would not be voted for. Mr. Woodford, who was not at that time of the Convention, spoke very largely without doors in favor of Mr. Mercer, declared he was willing to serve under him, as he knew him to be a fine officer."

sence retired." It is probable that they came from Philadelphia directly to Richmond, taking a week to make the trip. Richard Henry Lee did not appear in his seat till two days later. The presence of these distinguished men had a happy effect upon the deliberations of the Convention, which had not been harmonious, and is doubtless alluded to in the letter of George Mason to General Washington of October 14, following,<sup>1</sup> in which he writes: "I hinted to you in my last the parties and factions which prevailed at Richmond. I never was in so disagreeable a situation, and almost dispaired of a cause which I saw so ill conducted. During the first part of the Convention, parties ran so high that we had frequently no other way of preventing improper measures, than by procrastination, urging the previous question, and giving men time to reflect. However, after some weeks, the babblers were pretty well silenced, a few weighty members began to take the lead, several wholesome regulations were made, and, if the Convention had continued to sit a few days longer, I think the public safety would have been as well provided for, as our present circumstances permit."

As Washington and Henry by reason of their military appointments, and Pendleton by reason of his feeble health, could no longer serve in Congress, the Convention in reappointing the delegation, placed Thomas Jefferson, Thomas Nelson, and George Wythe in their stead, and when Richard Bland asked to be excused on account of his advanced age, Francis Lightfoot Lee was put in his place.

<sup>1</sup> Writings of Washington, iii., 152.

The flight of the Governor had left the Colony without executive authority, and the Convention, adopting the recommendation of Congress, appointed "a Committee of Safety for the more effectual carrying into execution the several rules and regulations established by this Convention for the protection of this Colony," whose duties were defined by an ordinance reported by a committee of which Mr. Henry was a member. The men selected for this important trust were, Edmund Pendleton, George Mason, John Page, Richard Bland, Thomas Ludwell Lee, Paul Carrington, Dudley Digges, William Cabell, Carter Braxton, James Mercer and John Tabb.<sup>1</sup>

Interesting incidents of the Convention during the elections of the delegation to Congress and of the Committee of Safety, are related by George Mason, in a letter to his intimate friend Martin Cockburn, dated August 22, 1775. After relating his recovery from a spell of sickness, he adds:

"I have found my apprehensions in being sent to this Convention but too well verified. Before the choice of delegates for the ensuing Congress, I was personally applied to by more than two-thirds of the members, insisting upon my serving at the Congress, but by assuring them I could not possibly attend, I prevailed on them not to name me, except about twenty who would take no excuse. A day or two after, upon Colonel Bland's resignation, a strong party was formed, at the head of which were Colonel Henry, Mr. Jefferson and Colonel Carrington, for sending me to Congress at all events, laying it down as a rule that I would not refuse, if ordered by my country: in consequence of this just before the ballot I

<sup>1</sup> This superseded the Committee of Correspondence.

was publicly called upon in Convention and obliged to make a public excuse, and give my reasons for refusal, in doing which I felt myself more distressed than ever I was in my life, especially when I saw tears run down the President's<sup>1</sup> cheeks. I took occasion at the same time, to recommend Colonel Francis Lee, who was accordingly chosen in the place of Colonel Bland. But my getting clear of this appointment has availed me little, as I have been since, in spite of everything I could do to the contrary, put upon the Committee of Safety, which is even more inconvenient and disagreeable to me than going to the Congress. I endeavored to excuse myself, and begged the Convention would permit me to resign, but was answered by an universal No."

On the day after Mr. Henry took his seat, the Convention ordered the gunpowder bought by him for the use of the Colony to be immediately sent for; and at a later day, the quantity of gunpowder taken out of the magazine by Lord Dunmore was ascertained to be fifteen half-barrels, and its value to be one hundred and twelve pounds ten shillings, and the residue of the three hundred and thirty pounds collected by Mr. Henry of the Receiver-General was ordered to be returned to him by the treasurer.

On August 14, the Convention, on being informed that Lord Dunmore was meditating an attack upon Williamsburg, directed the Committee for that city to repel the attack with the volunteers, who had already assembled there in large force, and to call out the militia if need be in addition. Thus the Convention stood strictly on the defensive, though under the strongest provocation, and finding

<sup>1</sup> Peyton Randolph.

it difficult to restrain the ardor of the people. Early in the session the volunteer companies in Williamsburg had informed the body, that detachments had been sent out to seize the public moneys in the hands of the Receiver-General, naval officers, and other collectors for the King, and the Convention had ordered them to desist from their purpose, and this policy was strictly pursued in all their ordinances. But the preparations for defence were as complete as the circumstances of the Colony permitted.

Besides the regiments and battalions called out at once, eight thousand one hundred and eighty of the the militia were ordered to be enlisted, officered, armed, and equipped, as minute men, and strictly trained to proper discipline; and the balance of the militia were ordered to be armed, equipped, and trained, so as to be ready for service. Rules and regulations for the government of the army were adopted. A manufactory of arms was ordered to be established at Fredericksburg, and measures were taken to encourage the manufacture of ammunition. To meet the expense to be incurred, the issue of paper money to the extent of three hundred and fifty thousand pounds was ordered, and an annual tax imposed for its redemption. Regulations were also adopted for the election of committeemen in the several counties and corporations, and the election of delegates to subsequent conventions. Upon a memorial from the Baptists, representing that many of that denomination had already enlisted, and many more were ready to do so, and asking the liberty of preaching to the troops, the Convention, on motion of Mr. Henry, ordered that this privilege be given to all dissenting clergymen. Thus Mr. Henry ap-



peared in the advance guard of the movement in favor of religious liberty.

The Convention adjourned August 26, after adopting unanimously an address setting forth the cause of their meeting, and the necessity of immediately putting the colony in a complete state of defence, in order to meet the threatened attack from the armed vessels in their harbors, and from the Indians on their western frontier who were being incited by the English to commence a savage warfare, and reiterating their allegiance to George III. as their lawful and rightful king. This admirable address concludes in the following words: "It remains a bounden duty on us to commit our cause to the justice of that Supreme Being who ruleth and ordereth all human events with unerring wisdom, most humbly beseeching him to take this colony, and the whole continent, under his fatherly and divine protection, and that he will be graciously pleased to soften the hearts of all those who meditate evil against our land, and inspire them with the purest sentiments of justice, moderation and brotherly affection."

Upon the adjournment of the Convention Colonel Henry returned to his home to arrange his domestic affairs before taking the field. Early in the year he had experienced the heaviest of domestic afflictions in the loss of his estimable wife. She left six children, all under twenty-one years of age. Their names were Martha, Anne, Elizabeth, John, William, and Edward. Martha had married John Fontaine, and had taken charge of the younger children during her father's absences, and to her they were now committed.

In less than one month Colonel Henry set out for his command, which had been ordered to rendezvous at Williamsburg. The intelligence of his appointment had brought together a large body of volunteers, and there had been no difficulty in filling the two regiments. The men came together in various uniforms, or without uniforms, and mostly armed with their own fowling-pieces. A company from Culpeper County was one of the most conspicuous. They were dressed in green hunting-shirts, with the words "Liberty or Death" in large white letters on their breasts, bucktails in their hats, and scalping-knives and tomahawks in their belts. Their flag displayed the significant device of a coiled rattlesnake, with the motto, "Don't tread on me." In a company from Fauquier County there appeared a young lieutenant, only nineteen years of age, who at once arrested the attention and excited the interest of every beholder. He was about six feet high, straight, and rather slender, of dark complexion, with a face nearly a circle in its outline, with eyes dark to blackness, penetrating, and beaming with intelligence and good-nature, over which an upright forehead, rather low, was terminated in a horizontal line by a mass of raven black hair of unusual thickness. No one could doubt that the stripling, if spared, would make his mark, but no one dreamed that this boy-soldier, Lieutenant John Marshall, was destined to become Chief Justice of the United States, and the greatest of American jurists.

Colonel Henry was received with enthusiasm by his troops, as was chronicled in the *Gazette* of September 23, 1775, which noted his arrival in the following manner: "Thursday last arrived here Pat-

1775  
rick Henry Esq. commander-in-chief of the Virginia forces. He was met and escorted to town by the whole body of volunteers, who paid him every mark of respect and distinction in their power, in testimony of their approbation of so worthy a gentleman to the appointment of that important trust, which the convention has been pleased to repose in him." He chose for his encampment the ground back of the college, and having formed the men into two regiments the officers commenced drilling them in company and regimental tactics. The convention had appointed William Christian, lieutenant-colonel, and Francis Eppes, major, to the first regiment, and Charles Scott, lieutenant-colonel, and Alexander Spotswood, major, to the second regiment. The appointment of Colonel Christian was doubtless at the request of Colonel Henry, to whom his military experience and strong personal attachment made him of the greatest value. A quorum of the Committee of Safety, presided over by Edmund Pendleton, remained in Williamsburg, and controlled the organization and movements of the forces.

The second petition of the Continental Congress to the King was delivered to Lord Dartmouth on August 21, by Governor Richard Penn, who had sailed as a special messenger to carry it. The only answer it received was a proclamation, issued two days afterward, declaring the colonists in rebellion, denouncing those within the realm who sympathized with them, and calling upon all officers and loyal subjects to use their endeavors to suppress the rebellion, and to give full information of all persons corresponding with the persons in arms in America, that they

might be brought to condign punishment. News of this proclamation, and of the hiring of ten thousand Hanoverians to be added to the British forces in America, reached Philadelphia October 31, and was published in the newspapers of the next day. The Congress, then in session, were relieved of all doubt as to their duty by this declaration of war, and at once adopted measures for its vigorous conduct on their part.

In Virginia, Lord Dunmore had already entered upon a most irritating system of depredations, designed to drive the colony from its defensive attitude. He had gathered a flotilla, composed of the *Mercury*, of twenty-four guns; the *Kingfisher*, of sixteen; the *Otter*, of fourteen; and a number of smaller vessels. With this fleet the large portion of the colony bordering on the Chesapeake and its tributaries was completely at his mercy, and the people were continually plundered, and their slaves carried off. Early in September, Captain Squire, of the *Otter*, sailing in a tender on a marauding expedition, was caught in a storm and driven on shore upon Back River, near Hampton. The captain and his men were entertained by a Mr. Finn, near by, to whom they abandoned the vessel and stores, and, unwilling to trust themselves among a people whom they had injured, they made their escape through the woods. Soon after, a formal demand was made by Captain Squire upon the people of Hampton for a restitution of the abandoned vessel and stores, with a threat against the town in case the demand was not complied with. Information of this threat was at once conveyed to Williamsburg, and the Committee of Safety ordered Captain James Innes with one

hundred men to march for the defence of the place. The attack was thereupon deferred, and Captain Squire contented himself with seizing all vessels belonging to Hampton which came in his way. The Kingfisher, stationed near Norfolk, and the Otter, stationed near Newport's News, now stopped all passing boats, and subjected the crews and passengers to the greatest indignities, while the smaller vessels continued to make marauding expeditions, and were especially troublesome to the people of Norfolk and Princess Anne Counties.

Colonel Henry was restive under this condition of affairs. The Committee of Safety was the executive of the Colony, and had the direction of the military force raised by the Convention. This force was being organized and equipped at Williamsburg, and was not yet fully armed, nor properly supplied with ammunition, and it was important that the capital should be protected by it. It was apparent, however, that unless the people in the vicinity of Norfolk were protected that section of the Colony would be lost, and the danger was the more imminent from the fact that the Scotch merchants of Norfolk were Tories, and wielded considerable influence. Colonels Henry and Woodford, believing enough men could be safely spared, urged upon the Committee the importance of sending a force at once to the vicinity of Norfolk which would protect the inhabitants. The Committee, after considerable hesitation, yielded to this advice, and on October 25 the following paper was handed to Colonel Henry:

"In committee at Williamsburg the 24, October 1775.

"The committee having spent several days in deliberating upon the present state of Norfolk and

the inhabitants of the adjacent counties from the various representations and information given them thereof, and the examination of several witnesses. Whereupon it appears, among other acts of violence, that Lord Dunmore and the officers of the navy, not only harboured divers slaves who resorted to them, but had actually seized by force one woman slave, and various other private property, and seized and carried on board the ships of war several freemen. Having also had evidence of the state of the two regiments and Culpeper Battalion, and heard Col. Henry, Col. Woodford, and Col. Lawrence Taliaferro on the subject, it is thereupon, *Resolved*, that the second regiment and the Culpeper Battalion of minute men with the officers belonging to each ought to march to the neighborhood of Norfolk or Portsmouth, and after reconnoitering the ground and examining all necessary circumstances, the commanding officer is desired to form an encampment at such place as to him shall seem most convenient, and secure the same in the best manner. That their march be as soon as tents and all other necessities can be provided. Capt. Mathews's company of minute men to be retained, and the commanding officer may call in other minute men upon any extraordinary emergency. It is meant that such only shall march who have good arms, those of the second Regiment as have not arms to remain at headquarters till they can be furnished, and then join their regiment, as also the absent companies of the said Regiment as soon as they shall come to camp. If it shall be found necessary hereafter another camp may be formed in the same neighborhood.

copy

Jno. PENDLETON jun. clk. com :  
Safety."

Before anything could be done to execute this order Captain Squire again appeared before Hampton with an armed schooner, a sloop, and three tenders, with soldiers aboard, and notified the people that he was about to land to burn the town. A company of regulars under Captain George Nicholas,<sup>1</sup> from Elizabeth City, and a company of minute men under Captain Lyne, from King and Queen county, were now stationed in the town, and these repulsed the force under Captain Squire which attempted to land on October 26. Indications pointing to a renewal of the attack on the next day, a message was sent at once to Williamsburg, and Colonel Woodford was sent down with Captain Green's company of riflemen from Culpeper,<sup>2</sup> who arrived about 8 o'clock in the morning, just in time to take part in the repulse of the second attempt upon the town. The British met with some loss, but the Virginians had not a man wounded. This was the first conflict of the Revolution on Virginia soil; and by a curious coincidence it occurred at the same place at which, one hundred and sixty-eight years before, the first conflict between the English and Indians had taken place.

The Virginia troops behaved with the greatest firmness in this affair, and their victory cheered the hearts of the people, who had become discouraged by the unchecked depredations of Lord Dunmore. His Lordship was maddened by the discomfiture of

<sup>1</sup> The son of the Treasurer, and afterward greatly distinguished as a statesman.

<sup>2</sup> Captain John Green distinguished himself afterward at Brandywine and Guilford. He was the father of John W. Green, the distinguished judge of the Virginia Court of Appeals, whose son, William Green, lately dead, was one of the most learned scholars and lawyers of his times, or of any times.

his captain, and now fully developed his plans for the destruction of the Colony he still claimed to govern.

On November 5, he commissioned the notorious John Connolly as a lieutenant-colonel of the Queen's Royal Rangers, and sent him on a secret mission to the Indians to incite them to an attack upon the western frontier, contrary to the stipulations of his treaty with them. After stirring up a savage war, this unscrupulous agent was to gather a force of Canadians at Detroit, and coming by Pittsburg was to march to Alexandria, where Lord Dunmore was to meet him, and by strongly fortifying that place cut off communication between the northern and southern colonies. The capture of Connolly, while passing through Maryland, exposed and thwarted this scheme.<sup>1</sup>

On November 7, he issued a proclamation, printed on board the ship *William*, on a press that he had taken by force from Norfolk, declaring martial law throughout the Colony; requiring all persons capable of bearing arms to resort to his Majesty's standard under penalty of forfeiture of life and property; and declaring freedom to all indentured servants, negroes, and others, appertaining to rebels, who would join him for the reduction of the Colony. This appeal was addressed to criminals serving out their terms of punishment, and to a barbarous race, many of whom were fresh from the wilds of Africa, who formed the majority of the population on tide-water. This fiendish plan of inciting the blacks against the whites and endangering the home of every planter, had been concocted

<sup>1</sup> American Archives, 4th Series, iv., 615-17.



with General Gage and General Howe through the agency of Connolly, and was believed to have the approbation of the King. "I hope," said Dunmore, "it will oblige the rebels to disperse to take care of their families and property."<sup>1</sup> The effect of this proclamation was to unite the people of Virginia as nothing else could have done; men of all ranks resenting "the pointing of a dagger to their throats through the hands of their slaves."<sup>2</sup> In the counties of Norfolk and Princess Anne, which were at his mercy, Dunmore forced the people to leave their homes, or take an oath abjuring the authority of the Committee, the Convention, and the Congress, and declaring allegiance to the King. He now had a force consisting of two companies of the 14th Regiment of regulars, from St. Augustine, and a body of negroes and Tories. With these he took up a position at Kemp's Landing, on the east branch of the Elizabeth River, surprised and captured a body of minute men from Princess Anne under Colonel Hutchings, and threatened Suffolk.

Colonel Woodford marched from Williamsburg, early in November, with the Second Regiment and a detachment of minute men, altogether estimated at about seven hundred men, and being prevented by the men-of-war from getting more than eight companies across the river at Jamestown, he was forced to march up as high as Sandy Point<sup>3</sup> in order to cross the balance of his force. He reached Suffolk in time to relieve it from a threatened attack, and continuing his march, he found the force of Lord

<sup>1</sup> Bancroft, viii., 223.

<sup>2</sup> Letter of Archibald Cary, *Southern Literary Magazine* for 1858, p. 186.

<sup>3</sup> The home originally occupied by Colonel Philip Lightfoot, the ancestor of General Henry Lee.

Dunmore entrenched at the Great Bridge, a structure over the south branch of the Elizabeth River about twelve miles from Norfolk. Here on December 9, His Lordship, deceived as to Woodford's strength by a servant of Major Marshall,<sup>1</sup> who had deserted, or feigned desertion, gave battle with some two hundred regulars and three hundred negroes and Tories. He was defeated with considerable loss, while the Virginians, who fought behind breastworks, had only one man wounded.<sup>2</sup>

The deadly rifles of Captain Green's Culpeper men, every one of whom was a marksman, contributed greatly to this victory, as they had done to the victory at Hampton. The victors were so humane in their treatment of the wounded as to excite the admiration of the British officers,<sup>3</sup> who now realized, despite the misrepresentation of Dunmore, that the Virginians were a brave and generous people.

Lord Dunmore fell back to Norfolk, and Colonel Howe having joined Woodford with a regiment of North Carolina troops, his Lordship deemed it most prudent to retire to his ships, leaving the negroes he had induced to take up arms to shift for themselves.

His Lordship did not enjoy his dominion on the water unmolested however. Captain James Barron, of Hampton, in October had armed and equipped a fast pilot-boat, and was annoying greatly the smaller vessels of Dunmore's fleet, and capturing the

<sup>1</sup> Father of Lieutenant Marshall. Both were in the battle.

<sup>2</sup> A return of Colonel Woodford, December 10, 1775, puts his strength at 491 rank and file fit for duty, besides 179 Carolina men just arrived.

<sup>3</sup> MS. Letter of Colonel Woodford, December 10, 1795, to the Convention.

unarmed supply vessels which came in his way. The hostile fleet was thus forced to get its supplies from Norfolk or its vicinity. A demand for these from the town having been refused, the enraged Governor, on January 1, 1776, opened a heavy cannonade upon it, and set fire to the houses nearest the wharf, by which nine-tenths of the town was burned. It had a thriving population of six thousand, and was the largest town in the colony. Its wanton destruction, causing the exposure of its inhabitants in midwinter, embittered the people of Virginia more than ever against the man they had now learned to look upon as their greatest enemy. But notwithstanding the great provocation under which they labored, the true nobility of the Virginians was shown in their forbearance to make reprisals upon the property of Lord Dunmore, or of the Tories living in the Colony. In November the Committee prohibited any one from making reprisals on his property left at the Palace, until the Convention should determine what was proper; and the Convention, on December 14, resolved, "that no person be allowed to make reprisals on the property of Lord Dunmore in this Colony for their property seized by him, or by the navy, without the order of the Convention." During the same month the Committee "ordered that Colonel Henry be at liberty to give directions to the keeper of the public gaol for the discharge of James, a mulatto slave belonging to Lord Dunmore." The Convention also, by a special resolution, protected the persons and property of British merchants, factors, and agents, who did not take part against the Colony, and allowed those who exhibited enmity to leave the Colony unmolested.

The inhumanity of Dunmore was signally rebuked by the Convention in their kind treatment of some of his own countrymen, who were brought into great distress. A ship from Cameron, in Scotland, with about two hundred and fifty emigrants bound for Newbern, North Carolina, was obliged to put into the port of Norfolk by reason of bad weather, Lord Dunmore forced about one hundred and sixty of the men into his service, and when he evacuated the town he took their ship, and left the women and children to perish in a strange land. The men deserted him, and on their appeal to the Convention, Colonel Woodford was ordered to take the whole company under his protection, relieve their immediate wants, and aid them in getting to their place of destination.

Colonel Henry's force remaining at Williamsburg was increased by several companies of minute men ordered out by the Committee, so that he was enabled to station troops at the several points liable to attack, in any effort of Lord Dunmore's to carry out his well-known intention to move upon the capital. Part of his forces were stationed at Burwell's Ferry, Jamestown, Hampton, and Yorktown, while he retained a company at Williamsburg. By this disposition of his troops he had it in his power to concentrate the whole in a few hours at Williamsburg, or at any point at which Lord Dunmore might land.

Colonel Christian had brought his wife with him to Williamsburg and she took charge of her brother's headquarters. Soon their sister, Elizabeth Henry, joined them and was a toast among the young officers. She was twenty-six years old,

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above medium height, with a most attractive face and imposing presence. Both in person and intellect she resembled her brother. She had the same fertile and vivid imagination, the same ready command of language and aptness of illustration, the same flexibility of voice and grace of elocution, and the same play of features expressive of every phase of feeling.

Among those who brought companies to Williamsburg was Captain William Campbell, from the Holston settlement in Fincastle County. He was of a superb physique, six feet two inches high, straight and soldierly in his bearing, quiet and polished in his manners, and always deferential and chivalric toward women. He had the fair complexion and blue eyes which betokened his Scotch descent. He had been associated with Colonel Christian in the Dunmore expedition against the Indians, and was destined to do his country great service in the war upon which they were entering. He was welcomed to the society of Colonel Henry's family at once, and it was not long before an attachment was formed between himself and Elizabeth Henry, which resulted in their marriage the ensuing spring. The only child of this marriage was Sarah Buchanan, who married General Francis Preston. Her descendants have been remarkable for eloquence, the most celebrated among them being her oldest son, William Campbell Preston. Mrs. Campbell afterward married General William Russell, and by her talents and practical piety became known as the Lady Huntingdon of Virginia.<sup>1</sup>

<sup>1</sup> A sketch of her life has been published by her grandson, Col. Thomas L. Preston.

## CHAPTER XIV.

### CLOSE OF MILITARY SERVICE—1776.

Convention of December, 1775.—War Measures.—Treatment of Colonel Henry by the Committee of Safety.—Colonel Woodford Refuses to Report to Him.—Scope of Colonel Henry's Commission.—The Question Left to the Committee of Safety.—Its Compromise.—Virginia Troops Transferred to Congress.—New Commission Offered Colonel Henry, Lowering His Rank.—He Refuses to Accept It.—Excitement Produced by His Action.—His Course Applauded by His Officers and Men.—Publications in the *Gazette*.—Pendleton Blamed.

THE Convention had assembled December 1, 1775, at Richmond, and adjourned to Williamsburg, where it continued its session till January 20, following. The body realized the fact that the Colony had been forced into a bloody war by its Governor, whose intercepted correspondence showed that he was asking for a large force with which to seize the capital and subdue the Colony. An ordinance was passed for raising and equipping seven additional regiments. Five hundred riflemen were ordered to be sent for the protection of the counties of Accomack and Northampton, lying east of the Chesapeake Bay, and the Committee of Safety was directed to provide the armed vessels necessary to protect the several rivers of the Colony. The Convention made a stinging reply to Lord Dunmore's proclamation of November 7, and exposed the meanness and cruelty of his Lordship's conduct with an unsparing hand.

On January 20, 1776, the Convention adopted a resolution, calling on their delegation in Congress to urge the opening of the American ports to the trade of the world, except that of Great Britain, Ireland, and the West Indies. The same day they passed ordinances for punishing the enemies of America; for taking charge of the public money, except the King's quit-rents; for the election of delegates to future Conventions; and for regulating payments in tobacco; and thereupon adjourned.

During the session an interesting incident occurred, which illustrated the promptness of Colonel Henry to repair to the post of danger, and the readiness of the venerable men who composed the body to take up arms in defence of the capital. In the supplement of the *Virginia Gazette* of January 5, 1776, the following account is found :

"Yesterday afternoon an express arrived from York, with intelligence that two topmast vessels, and one of a smaller size, had hove in sight, which were suspected to be two men of war and a tender, coming up to cannonade that town; upon which Capt. Gibson with his West Augusta boys were immediately ordered to reinforce the troops stationed there, and prevent any of Dunmore's hell-hounds from landing to set fire to the houses. Many gentlemen volunteers likewise went from this city to assist their brethren of York; and our worthy delegates then sitting in convention, formed themselves under that old intrepid warrior, Col. Andrew Lewis,<sup>1</sup> for the protection of the city. Cap<sup>t</sup> Gibson had marched but a little distance from town, when he was met by Col. Henry, from York, with the agreeable intelligence that the

<sup>1</sup> He was a member of the Convention from Botetourt.

two large vessels were one a provision vessel from Cork, deep laden with beef, butter, potatoes &c., the other from the Grenades loaded with rum, sugar and several other necessaries, and the small vessel the brave Cap<sup>t</sup> Barron's carrying them up the river out of the reach of the men of war."

It has been stated that there was considerable opposition to the election of Colonel Henry as commander-in-chief of the Virginia forces, based upon his want of military experience. Among the opposition were some of the most prominent members of the Convention, and of these several became members of the Committee of Safety. Mr. Pendleton, the president of the Committee, though not present when the election was held, was in full sympathy with the opposition. This feeling of distrust was carried into the Committee, and affected all their subsequent conduct in reference to Colonel Henry's command. After the Committee had organized and determined on the policy to be pursued, the conduct of affairs was left almost entirely to a quorum, who were greatly influenced by the president. George Mason, Colonel Henry's great friend, was but little with the Committee, and, owing to poor health, did not attend the Convention of December 1775.<sup>1</sup> It was not long before this feeling of distrust was made manifest to Colonel Henry, in a manner well calculated to wound him deeply.

When it was determined to send a force to the vicinity of Norfolk against Lord Dunmore, Colonel Woodford was selected for the expedition although Colonel Henry earnestly desired the command, and

<sup>1</sup> Vide his letter to Washington of April 2, 1776, *American Archives*, 4th Series, v. 760.



upon the attack at Hampton, before Colonel Woodford had marched, he was again preferred over his ranking officer, and sent to conduct the defence. These acts were unmistakable, but as if to leave no doubt on the mind of Colonel Henry that the Committee did not mean to trust him with any enterprise, on November 8, he was ordered to prepare winter quarters for his regiment at Williamsburg.<sup>1</sup> It had become apparent that the troops of the several Colonies would be taken into Continental service, and the Committee seemed determined to trust no military operations to Colonel Henry until this was done, when his commission would be superseded, or a superior officer would be placed over him. While smarting under this slight, he was subjected to an indignity at the hands of Colonel Woodford, who ceased to report to him after he was sent against Lord Dunmore. Not understanding the reason for this, Colonel Henry sent an express on December 6, 1775, with the following letter.

*"On Virginia Service.*

*"To William Woodford Esq. Colonel of the Second Regiment of the Virginia Forces.*

"HEAD QUARTERS, Dec. 6th 1775.

"SIR: Not hearing of any dispatch from you for a long time, I can no longer forbear sending to know your situation, and what has occurred. Every one, as well as myself, is vastly anxious to hear how all stands with you. In case you think any thing could be done to aid and forward the enterprise you have in hand, please to write it. But I wish to

<sup>1</sup> MS. order of the Committee, with Colonel Henry's papers.

know your situation particularly, with that of the enemy, that the whole may be laid before the convention now here. The number and designs of the enemy, as you collect it, might open some prospects to us, that might enable us to form some diversion in your favor. The bearer has orders to lose no time, and to return with all possible haste. I am sir, Your humble servant.

"P. HENRY JUN.

"P.S. Cap<sup>t</sup> Alexander's company is not yet come.  
"COL. WOODFORD."

To this Colonel Woodford made the following answer.

"GREAT BRIDGE, 7<sup>th</sup> Dec. 1775.

"SIR: I have received yours per express; in answer to which must inform you, that, understanding you were out of town, I have not written you before last Monday, by the return of the honourable the convention's express, when I referred you to my letter to them for every particular respecting mine and the enemy's situation. I wrote them again yesterday and this morning, which no doubt they will communicate to you, as commanding officer of the troops at Williamsburg. When joined, I shall always esteem myself immediately under your command, and will obey accordingly; but when sent to command a separate and distinct body of troops, under the immediate instruction of the committee of safety—whenever that body or the honourable convention is sitting, I look upon it as my indispensable duty to address my intelligence to them, as the supreme power in this colony. If I judge wrong, I hope that honourable body will set me right. I would wish to keep up the greatest harmony between us, for the good of the cause we are engaged

in ; but cannot bear to be supposed to have neglected my duty, when I have done everything I conceived to be so. The enemy are strongly fortified on the other side of the bridge, and a great number of negroes and tories with them ; my prisoners disagree as to the numbers. We are situated here in mud and mire, exposed to every hardship that can be conceived, but the want of provisions, of which our stock is but small, the men suffering for shoes ; and if ever soldiers deserved a second blanket in any service, they do in this ; our stock of ammunition much reduced, no bullet-moulds that were good for anything sent to run up our lead, till those sent the other day by Mr. Page. If these necessities and better arms had been furnished in time for this detachment, they might have prevented much trouble and great expense to this colony. Most of those arms I received the other day from Williamsburg are rather to be considered as lumber, than fit to be put in men's hands, in the face of the enemy : with much repair, some of them will do ; with those, and what I have taken from the enemy, hope to be better armed in a few days. I have written to the convention, that it was my opinion that the greater part of the first regiment ought immediately to march to the scene of action with some cannon, and a supply of ammunition, and every other necessary for war that the colony can muster, that a stop may be put to the enemy's progress. As to Carolina troops and cannon, they are by no means what I was made to expect : 60 of them are here and 100 will be here to-morrow ; more, it is said, will follow in a few days under Col. Howe ; badly armed, cannon not mounted, no furniture to them. How long these people will choose to stay is impossible for me to say ; 99 in 100 of these lower people rank tories. From all these informations, if you can make a diversion in my favor, it will be of service to the col-

ony, and very acceptable to myself and soldiers; whom, if possible, I will endeavor to keep easy under their hard duty, but begin to doubt whether it will be the case long.

"I am, Sir, Your humble servant,

"W". WOODFORD."<sup>1</sup>

In this letter it is seen that Colonel Woodford took the ground that Colonel Henry was only the commander of the troops at Williamsburg, where the first regiment or a part of it was stationed, but that being separated from him he was under no obligation to report to him, and he therefore declined to do so. This position was assumed, and had been acted on by him, not only during the sessions of the Committee and of the Convention, but during the time which had intervened between the adjournment of the Committee in November, and the meeting of the Convention in December. Within a few days after the date of this letter Colonel Howe, of North Carolina, joined Colonel Woodford, and with his assent assumed command of their combined forces; and thus Colonel Henry saw the authority which was denied to him, yielded to an officer of another Colony, who, also disregarding him, reported directly to the Committee or to the Convention.

<sup>1</sup> Colonel Woodford seems to have had some feeling about the claim of Colonel Henry which extended to the men of the first regiment. A part of this regiment was ordered by the Convention to join him, but their reception was anything but cordial. Captain Ballard who commanded the men sent him, wrote to Colonel Henry, December 20, 1775, "Our reception at the Great Bridge was to the last degree cool, and absolutely disagreeable. We arrived there fatigued, dry and hungry, we were neither welcomed, invited to eat or drink, or shown a place to rest our wearied bones, but I thank my stars camp duty has taught us how to provide for ourselves when none will."

Colonel Woodford's position was in direct conflict with the commission held by Colonel Henry, which was in the following words :

"The Committee of safety for the Colony of Virginia, to Patrick Henry, Esq.

" *Whereas*, by a resolution of the delegates of this colony, in convention assembled, it was determined that you, the said Patrick Henry, Esq., should be colonel of the first regiment of regulars, and commander-in-chief of all the forces raised for the protection and defence of this colony ; and by an ordinance of the same convention it is provided that the committee of safety should issue all military commissions : now, in pursuance of the said power to us granted, and in conformity to the appointment of the convention, we, the said committee of safety, do constitute and commission you, the said Patrick Henry, Esq., colonel of the first regiment of regulars, and commander-in-chief of all such other forces as may, by order of the convention, or committee of safety, be directed to act in conjunction with them ; and with the said forces, or any of them, you are hereby empowered to resist and repel all hostile invasions, and quell and suppress any insurrections which may be made or attempted against the peace and safety of this his majesty's colony and dominion. And We do require you to exert your utmost efforts for the promotion of discipline and order among the officers and soldiers under your command, agreeable to such ordinances, rules, and articles, which are now, or hereafter may be, instituted for the government and regulation of the army ; and that you pay due obedience to all orders and instructions which from time to time you may receive from the convention or committee of safety ; to hold, exercise, and enjoy, the said office of colonel and commander-in-chief of all the forces, to perform and

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execute the power and authority aforesaid, and all other things which are truly and of right incidental to your said office, during the pleasure of the convention and no longer. And we do hereby require and command all officers and soldiers and every person whatsoever, in any way concerned, to be obedient and assisting to you in all things, touching the due execution of this commission, according to the purport and intent thereof."

The only ground upon which Colonel Woodford could rely to sustain himself, in thus refusing to acknowledge the authority of his commander in chief, was a clause in the ordinance for raising and embodying the forces. It was in these words :

" And whereas it may be necessary for the public security that the forces to be raised by virtue of this ordinance should, as occasion may require, be marched to different parts of the colony, and that the officers should be subject to a proper controul, Be it ordained by the authority aforesaid, that the officers and soldiers under such command shall in all things, not otherwise particularly provided for by this ordinance, and the articles established for their regulations, be under the controul, and subject to the order of the General Committee of Safety."

This was to be construed along with the commission of Colonel Henry as commander-in-chief of all the forces, which had been adopted by the Convention, and issued by the Committee. The construction which completely harmonized the two, was that the Committee, which, while the Convention

was not in session, was the supreme authority in the Colony, had control of the military forces, but should communicate with them through the commander-in-chief, to whom all the officers should report. Otherwise he was no longer commander-in-chief. This was the view taken by Colonel Henry, and he at once laid the letter of Colonel Woodford before the Committee of Safety, and insisted that he be required to report to him as his commanding officer. This placed the Committee in a most embarrassing position. Colonel Woodford had won the brilliant victory of the Great Bridge two days after the date of his letter to Colonel Henry, and at once acquired a reputation which made it very injudicious to offend him. Besides, he was from the same county with the president of the Committee, and was his intimate friend. Added to this was the fact, that his refusal to be subject to Colonel Henry was based upon his claim of direct subjection to the Committee, and that men are loath to refuse proffered authority. On the other hand Colonel Henry's influence in the Colony was very great, and his soldiers were devoted to him, so that it would be dangerous to put an open indignity upon him. Besides, his commission was explicit in constituting him commander-in-chief. The committee, whose term was just expiring, delayed action till the new committee could consider the matter, or if they came to a conclusion declined to announce it. In the meantime a member of the Convention<sup>1</sup> opened a correspondence with Colonel Woodford, to prepare him for what it was expected would be the

<sup>1</sup> This was Joseph Jones of King George, as appears by the letter of Pendleton of December 24, post, p. 341.

action taken, and to get his sentiments in reference to it. On December 18, 1775, he wrote :

“ Whether you are obliged to make your returns to Colonel H—y, and to send your dispatches through him to the convention and committee of safety, and also from those bodies through him to you, must depend upon ordinance and the commission he bears. You will observe his commission is strongly worded, beyond what I believe was the intention of the person who drew it, but the ordinance I think clearly gives the convention, and committee of safety acting under their authority, the absolute direction of the troops. The dispute between you must be occasioned, I suppose, (for I have not seen your letter to the colonel,) by disregard of him as a commander, after the adjournment of the committee of safety, and before the meeting of the convention ; at which time, I am apt to think, though I am not a military man enough to determine, your correspondence should have been with him as commanding officer. I have talked with Colonel Henry about this matter ; he thinks he has been ill-treated and insists the officers under his command shall submit to his orders. I recommended it to him to treat the business with caution and temper ; as a difference at this critical moment between our troops would be attended with the most fatal consequences ; and took the liberty to assure him you would, I was certain, submit to whatever was thought just and reasonable. He has laid the letter before the committee of safety, whose sentiments upon the subject I expect you must have received before this ; I hope it will not come before us, but from what Colonel Henry said, he intimated it must, as it could be no otherwise determined. My sentiments upon that delicate point, I partly communicated upon the expected junction of the



Carolina troops with ours, which I presume you have received. By your letter yesterday to the president, I find you agree with me. I very cordially congratulate you on the success at the Bridge and the reduction of the fort, which will give our troops the benefit of better and more wholesome ground. Your letter came to the convention just time enough to read it before we broke up, as it was nearly dark; it was however proposed and agreed, that the president should transmit you the approbation of your conduct in treating with kindness and humanity the unfortunate prisoners; and that your readiness to avoid dispute about rank with Colonel Howe, they consider as a further mark of your attachment to the service of your country. I have had it in contemplation paying you a visit, but have not been able to leave the convention, as many of our members are absent, and seem to be in continual rotation, some going, others coming. We shall raise many more battalions, and, as soon as practicable, arm some vessels. A commander or general, I suppose, will be sent us by the congress, as it is expected our troops will be upon continental pay. I pray God to protect you, and prosper your endeavors."

Four days after the date of this letter the Convention re-elected the Committee of Safety, and in so doing plainly indicated dissatisfaction at the treatment of Colonel Henry on the part of some of the members.

Instead of receiving the largest vote cast, as on his first election, Pendleton was the fourth on the list, Dudley Digges, John Page, and Paul Carrington leading him.<sup>1</sup> The old members were re-elected,

<sup>1</sup> These seem to have taken Colonel Henry's part in the controversy with Colonel Woodford.

except George Mason, who declined, and Carter Braxton. Their places were filled by Joseph Jones and Thomas Walker. The Committee as thus constituted passed a resolution which was intended as a compromise between the parties. It was in these words :

“In committee—December, M.D.C.C.LXXV.

“Resolved, unanimously, that Colonel Woodford, although acting under a separate and detached command, ought to correspond with Colonel Henry, and make returns to him at proper times, of the state and condition of the forces under his command ; and also that he is subject to his orders, when the convention, or the committee of safety, is not sitting, but that while either of those bodies are sitting, he is to receive his orders from one of them.”

In transmitting this resolution to Colonel Woodford, Pendleton displayed the greatest anxiety that it should not wound his feelings, and at the same time indicated his hostility toward Colonel Henry. His letter is dated December 24, 1775, and after mentioning the resolution to raise additional regiments, he adds :

“The field-officers to each regiment will be named here, and recommended to congress ; in case our army is taken into continental pay, they will send commissions. A general officer will be chosen there, I doubt not, and sent us ; with that matter, I hope we shall not intermeddle, lest it should be thought propriety requires our calling, or rather recommending, our present first officer to that station. Believe me, sir, the unlucky step of calling that gentleman from our councils, where he was useful, into the field, in an important station, the duties of which he

must, in the nature of things, be an entire stranger to, has given me many an anxious and uneasy moment. In consequence of this mistaken step, which cannot now be retracted or remedied, for he has done nothing worthy of degradation, and must keep his rank, we must be deprived of the service of some able officers, whose honor and former ranks will not suffer them to act under him in this juncture when we so much need their services; however, I am told, that Mercer, Buckner, Dangerfield, and Weedon, will serve, and are all thought of. I am also told that Mr. Thurston and Mr. Millikin are candidates for regiments; the latter, I believe, will raise and have a German one. In the course of these reflections, my great concern is on your account. The pleasure I have enjoyed in finding your army conducted with wisdom and success, and your conduct meet with general approbation of the convention and country, makes me more uneasy at a thought that the country should be deprived of your services, or you made uneasy in it by any untoward circumstances. I had seen your letter to our friend Mr. Jones (now a member of the Committee of Safety,) and besides that, Col. Henry has laid before the committee your letter to him, and desired our opinion whether he was to command you or not. We never determined this till Friday evening; a copy of the resolution I enclose you. If this will not be agreeable, and prevent future disputes, I hope some happy medium will be suggested to effect the purpose, and make you easy; for the Colony cannot part with you, while troops are necessary to be continued."

This resolution seems to have been accepted by Colonel Henry as a settlement of the difficulty, though not satisfactory to him, and as Colonel Woodford was now acting under Colonel Howe,

who was immediately under the Convention, or the Committee when the Convention was not in session, the question was no longer a practical one. All orders to the officers, other than to those under Colonel Howe's command, passed through Colonel Henry, as we learn from a letter of John Page to Richard Henry Lee, in February 1776,<sup>1</sup> in which he says, "I have been always of your opinion with respect to our present commander in chief. All orders do pass through him, and we really wish to be in perfect harmony with him." But while Colonel Henry behaved with that caution and temper that the occasion demanded, yet the distrust of the Committee continued, and he was kept inactive at Williamsburg, while Colonel Howe was at the head of all the active service performed.

While Colonel Henry was thus thwarted in his ambition as a soldier by the Committee, the country began to demand his return to her councils, as it was evident that the supreme moment of the Revolution was approaching, when the great question of independence was to be decided. This feeling was shared in by Washington, who wrote to Joseph Reed, March 7, 1776: "I think my countrymen made a capital mistake, when they took Henry out of the Senate to place him in the field; and pity it is that he does not see this, and remove every difficulty by a voluntary resignation." But so determined was Colonel Henry to remain in the service, that nothing short of a direct slight by Congress in making promotions in the service could drive him from it. This he was now to experience.

When the Convention determined to raise six new

<sup>1</sup> Campbell's History of Virginia, 640.

regiments letters were written to the delegates in Congress, by some of the members not friendly to Mr. Henry, requesting that these be taken on Continental establishment. One of these letters was from Archibald Cary to Richard Henry Lee, and bears date December 24, 1775.<sup>1</sup> In it he says: "You will hear before this that six regiments are voted in addition to the other two. As it seems probable that these troops will be employed on services not local, it is hoped they will be put on the general Continental establishment. The field officers will be named next week, and a list sent to the Congress for their approbation." This was a cunningly devised plan to supersede Colonel Henry more completely than had already been done. The commissions of Congress to the colonels of the new regiments would make them outrank the colonels commissioned by the Colony, and thus Colonel Henry, when joined, would be commanded by junior officers. Congress expressed a willingness to comply with this request, but when it came to the knowledge of the Convention they saw the impropriety of the step, and on January 10, 1776, adopted a resolution urging Congress to take all the Virginia troops raised or ordered to be raised, into Continental service, and adding, that "should the Congress adhere to their resolution of taking into Continental pay no more than six battalions, it be earnestly recommended to them to suffer our two present regiments to stand first in the arrangement, since otherwise the officers first appointed by this Convention, most of whom have already gone through a laborious and painful service, will be degraded in

<sup>1</sup> Southern Literary Messenger for September, 1858, p. 185.

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their ranks, and there is too much reason to apprehend that great confusion will ensue."

Acting on this resolution, Congress, on February 13, determined to include the first and second regiments in the six to be taken into Continental service, and appointed the same field officers for all six that had been appointed by the Convention, their commissions from the Colony being thereby annulled. Congress also appointed Colonel Robert Howe, and Colonel Andrew Lewis, Brigadier-Generals.

Thus although Colonel Henry was re-appointed Colonel of the first Virginia regiment, he was really degraded in rank, as instead of being commander in chief of the Virginia troops, which was the command of a Brigadier-General, his command was confined to that regiment, and he saw others inferior in rank to himself promoted over him to be Generals. About this time he was visited by Philip Mazzei, an Italian of considerable intelligence and culture, who had settled near, and become intimate with, Mr. Jefferson. On behalf of Mr. Jefferson and John Page, Mazzei urged Colonel Henry to resign his commission, and take his place in the councils of the Colony, where matters of vital importance needed his attention. Smarting under the continued distrust shown him as a military leader, which had resulted in his being not only passed by in promotions, but actually degraded in rank, and being satisfied that his services were desired by his co-patriots in the approaching Convention, he no longer hesitated as to his duty, and when the Committee sent for him on February 28, 1776, and offered him the commission of Congress as colonel, he declined to receive it. The following brief entry

on the Journal of the Committee states what occurred: "Patrick Henry, Esquire, appeared in consequence of the letter wrote to him, and being offered his commission received from the Continental Congress to be colonel of the 1st Battalion, declared he could not accept of the same."<sup>1</sup>

This action produced a commotion in camp which threatened serious consequences, had it not been quelled at once by the patriotic conduct of Colonel Henry. The following account of the affair is contained in the *Gazette* of March 1, 1776:

"Yesterday morning the troops in this city being informed that *Patrick Henry, Esq.*, Commander-in-chief of the *Virginia* Forces, resigned his commission the day preceding, (*February 28th.*) and was about to leave them, the whole went into mourning, and, under arms, waited on him at his lodgings, when they addressed him in the following manner:

" 'To Patrick Henry, Jun., Esq.:

" 'Deeply impressed, with a grateful sense of the obligations we lie under to you, for the polite, humane and tender treatment manifested to us throughout the whole of your conduct, while we had the honour of being under your command, permit us to offer you our sincere thanks, as the only tribute we have in our power to pay to your real merits.

" 'Notwithstanding your withdrawing yourself from the service fills us with the most poignant

<sup>1</sup> The Journal of the Committee of the next day contains the following entry, which shows the careful habit of Mr. Henry in money matters:

"Patrick Henry Esquire settled his account of money laid out for contingent expenses, balance due to him £12. 7. 9. for which he received an order to have credit with the Commissary of Stores."

sorrow, as it at once deprives us of our father and General, yet, as gentlemen, we are compelled to applaud your spirited resentment to the most glaring indignity. May your merit shine as conspicuous to the world in general as it hath done to us, and may Heaven shower its choicest blessings upon you.'

" ' WILLIAMSBURGH, February 29, 1776. '

" To which he returned the following Answer :

" ' GENTLEMEN: I am extremely obliged to you for your approbation of my conduct. Your Address does me the highest honor. This kind of testimony of your regard to me would have been an ample reward for services much greater than I have had the power to perform. I return you and each of you, gentlemen, my best acknowledgments, for the spirit, alacrity, and zeal, you have constantly shewn in your several stations. I am unhappy to part with you. I leave the service, but I leave my heart with you. May *God* bless you, and give you success and safety, and make you the glorious instruments of saving our country. '

" After the Officers had received Colonel *Henry's* kind answer to their Address, they insisted upon his dining with them, at the *Raleigh* Tavern before his departure, and after dinner a number of them proposed escorting him out of town, but were prevented by some uneasiness getting among the soldiery, who assembled in a tumultuous manner and demanded their discharge, and declaring their unwillingness to serve under any other commander. Upon which Colonel *Henry* found it necessary to stay a night longer in town, which he spent in visiting the several barracks, and used every argument in his power with the soldiery to lay aside their imprudent resolution, and to continue in the service,



which he had quitted from motives in which his honour, alone, was concerned, and that, although he was prevented from serving his country in a military capacity, yet his utmost abilities should ever be exerted for the real interest of the *United Colonies*, in support of the glorious cause in which they had engaged. This, accompanied with the extraordinary exertions of Colonel *Christian*, and the other officers present, happily produced the desired effect, the soldiers reluctantly acquiescing. And we have now the pleasure to assure the publick that those brave fellows are now pretty well reconciled, and will spend the last drop of their blood in their country's defence."

The resentment of the indignities to which Colonel Henry had been subjected was not confined to the soldiers under his immediate command. More than ninety Officers, including those at Kemp's Landing, and Suffolk, Col. Woodford's camp, united in the following communication, which was published at their request in the *Gazette* of March 22, 1776. The signatures are not given in the *Gazette*, but must have included nearly every officer in commission.<sup>1</sup>

<sup>1</sup> The officers of the two regiments, other than colonels, were for

FIRST REGIMENT,		SECOND REGIMENT,	
<i>Lt. Col.</i>	<i>Major.</i>	<i>Lt. Col.</i>	<i>Major.</i>
Wm. Christian.	Francis Eppes.	Charles Scott.	Alex. Spotswood.

OTHER OFFICERS.

FIRST REGIMENT.

<i>Captains.</i>	<i>1st Lieutenants.</i>	<i>2d Lieutenants.</i>	<i>Ensigns.</i>
John Green. John Markham. John Sayres. Wm. Davies. John Fleming. Robt. Ballard. Wm. Campbell. Geo. Gibson.	Rd. Taylor. Wm. Cunningham. Goodrich Crump. Willis Wilson. Wm. Lewis. Ed. Garland. Danl. Trigg.	John Eustice. Joseph Scott. Matthew Smith. Fran. Boyakin. John Pettus. John Clayton. Alex. Cuming.	John Lee. Tarlton Woodson. Nat. Burwell. Jonathan Godwin. David Anderson. Claiborne Lawson. Geo. Lambert.

*"Address to Patrick Henry, Jun., Esq., Late Commander-in-Chief of the Virginia Forces.*

"SIR: Deeply concerned for the good of our country, we sincerely lament the unhappy necessity of your resignation, and with all the warmth of affection assure you, that whatever may have given rise to the indignity lately offered to you, we join with the general voice of the people, and think it our duty to make this publick declaration of our high respect for your distinguished merit. To your vigilance and judgment, as a Senator, this United Continent bears ample testimony, while she prosecutes her steady opposition to those destructive Ministerial measures which your eloquence first pointed out and taught to resent, and your resolution led forward to resist. To your extensive popularity the service, also, is greatly indebted for the expedition with which the troops were raised; and while they were continued under your command, the firmness, candour, and politeness, which formed the complexion of your conduct towards them, obtained the signal approbation of the wise and virtuous, and will leave upon our minds the most grateful impression.

"Although retired from the immediate concerns of war, we solicit the continuance of your kindly attention. We know your attachment to the best of

## SECOND REGIMENT.

<i>Captains.</i>	<i>1st Lieutenants.</i>	<i>2d Lieutenants.</i>	<i>Ensigns.</i>
Geo. Johnston. Richd. Parker, jr. Wm. Taliaferro. Geo. Nicholas. Wm. Fountaine. R. Kidder Meade. Morgan Alexander,	Thos. Tibbs. Catesby Jones. John Willis. Beverly Dickson. John Marks. Ed. Travis. Geo. Jump.	Wm. Samford. John Monroe. Seymore Hooe. Thos. Russell. Thos. Hughes. Bullar Claiborne. Marques Calmes.	Peyton Harrison. Alex. Parker. Ben. Holmes. Merritt Moore. Wm. Robinson. John Nicholas. John Holden.

Vide American Archives (5th Series), ii, 320. To these must be added the officers of the minute men.

causes; we have the fullest confidence in your abilities, and in the rectitude of your views, and, however willing the envious may be to undermine an established reputation, we trust the day will come when justice shall prevail, and thereby secure you an honourable and happy return to the glorious employment of conducting our councils, and hazarding your life in the defence of Your country.

"With the most grateful sentiments of regard and esteem, we are, sir, very respectfully, your most obliged and obedient, humble servants.

*"Signed by upwards of ninety Officers, at Kemp's Landing, Suffolk, and Williamsburgh."*

Had there been any doubt as to the body against which the charge of envy was thus directed, it would have been removed by the following defence of the Committee of Safety, which appeared in the Gazette of March 15, 1776.

"MR. PURDIE: I am informed a report is prevailing through the colony, that the committee of safety were the cause of Col. Henry's resigning the command of his battalion; which it is supposed hath received confirmation from the address of the officers to that gentleman, in which they speak of a glaring indignity having been offered him, if it was not wholly derived from that source. That the good people of the country may be truly informed in this matter, the following state of facts is submitted, without comment, to the impartial judgment of the public:

"As soon as the last convention had voted the raising seven new battalions of troops, besides augmenting the old ones, the committee of safety informed our delegates to congress of that vote, desiring they would use their best endeavors to have the whole supported at continental expense; in answer to which, a letter was received from the

delegates, dated the 30th of December, of which the following is an extract: 'The resolutions of congress for taking our six additional (they would not agree to take our other two) battalions, into continental pay, and for permitting an exportation for supplying our countrymen with salt, are enclosed.' It was supposed from hence, an intention prevailed in congress to pass by the two old battalions, and take six of the new ones into continental pay; which, as it was said those officers would take precedence of provincial ones of equal rank, was generally thought wrong, since it would degrade the officers of the two first battalions; and, to avoid this, the convention came to a resolution, the 10th of January, of which the following is part: 'Should the congress adhere to their resolution of taking into continental pay no more than six battalions, let it be earnestly recommended to them to suffer our two present battalions (completed as before mentioned) to stand first in the arrangement; since otherwise the officers first appointed by this convention, most of whom have already gone through a laborious and painful service, will be degraded in their ranks, and there is too much reason to apprehend that great confusion will ensue.'

"The worthy gentleman (*not a member of the committee of safety*) who proposed this resolution, informed the convention, he had consulted some of the officers of the first regiment, who wished to have their rank preserved, though it was foreseen the pay would be reduced.

"The committee of safety, in a letter to the delegates, dated the 25th of January, enclosing this resolution, thus write: 'You have a list of the field officers as they stand recommended, and we doubt not receiving the commissions in the like order, with blanks for the proper number of captains and subalterns. If, however, the resolution of congress

should be unalterably fixed to allow us but six battalions, you will please to attend to that part of the resolve which recommends their being the first six, as a point of great consequence to our harmony, in which may be involved the good of the common cause.'

"The committee of safety afterward received the commissions wholly filled up for the field officers of six battalions, in the rank they stood recommended by the convention, beginning with Col. Henry, and ending with Col. Buckner of the 6th battalion, with directions to deliver them. Colonel Henry was accordingly offered his commission, which he declined accepting and retired without assigning any reasons.

"As to the general officers, the convention left them entirely to the choice of the congress, without recommendation; nor did the committee of safety at all intermeddle in that choice.

"A FRIEND TO TRUTH.

This disingenuous attempt to defend the action of the Committee was not satisfactory, as the address of the officers was published by their request in a subsequent issue of the paper, and in the paper containing the defence the following article appeared :

"Envy will merit as its shade pursue;  
But, like the shadow, proves the substance true."—POPE.

"I was not surprised to see, in your last week's Gazette, the resignation of *P. Henry, Esq.*, late Commander-in chief of all the *Virginia Forces*, and Colonel of the First Regiment. From that great man's amiable disposition, his invariable perseverance in the cause of liberty, *we apprehend that envy strove to bury in obscurity his martial talents. Fettered and confined, with only an empty title, the*

*mere echo of authority; his superior abilities lay inactive, nor could be exerted for his honour or his country's good.*

"Virginia may truly boast, that in him she finds the able statesman, the soldier's father, the best of citizens, and liberty's dear friend. Clad with innocence, as in a coat of mail, he is proof against every *serpentine whisper*. The officers and soldiers, who know him, are riveted to his bosom: when he speaks, all is silence; when he orders, they cheerfully obey; and in the field under so sensible, so prudent an officer, though hosts oppose them, with shouts they meet their armed foe, the sure presages of victory and success.

"Let us, my countrymen, with grateful hearts, remember that he carried off the standard of liberty, and defeated Grenville in his favourite Stamp Act.

"While many dreaded till with pleasing eye,  
Saw tyranny before brave Henry fly."

"I am, Mr. Purdie, your friend, and well wisher to Virginia.

"AN HONEST FARMER."

The attempted defence was seen to be unsatisfactory, and soon there appeared over the signature of "Cato," an elaborate article purporting to give the circumstances of Colonel Henry's election, the grounds of opposition to him, the intention of the framers of his Commission, and the action of the Convention and Congress which led to his resignation. This article was evidently inspired, if not written, by some member of the Committee, as it discloses familiarity with their proceedings, and is a studied attempt to place Colonel Henry in the wrong by a suppression of the true ground of his resigna-

tion.<sup>1</sup> This was no more satisfactory than the first attempted defence, and the Committee, and especially its president, were severely censured for their conduct. So strong was this feeling, and the dissatisfaction in some parts of the Colony at the conduct which had caused the resignation of Colonel Henry, that John Page, in a letter to Richard Henry Lee, April 12, 1776, giving several reasons why the threatened attack of the British was to be dreaded,<sup>2</sup> says, "Our people in some places disconcerted about Henry's resignation."<sup>3</sup>

Pendleton was aware that he was particularly blamed, and became so irritated in consequence that we find him using the following unbecoming language in a letter to Colonel Woodford, who consulted him about the propriety of resigning his commission.<sup>4</sup> "I am apprehensive that your resignation will be handled to your disadvantage from a certain quarter, where all reputations are sacrificed for the sake of one; what does it signify that he resigned without any such cause, or assigning any reason at all? It is not without example that others should be censured for what he is applauded for."

In after years it was said that Colonel Henry was deemed by the Committee too lax in his discipline,<sup>5</sup> but in all the communications of the Committee

<sup>1</sup> See this article in *American Archives*, 4th Series, iv., 1519.

<sup>2</sup> See *Southern Literary Messenger* for October, 1858, 255.

<sup>3</sup> While there was the feeling described by John Page in some quarters, many rejoiced that Colonel Henry would be again in the councils of the Colony at this critical period. Colonel Reed, in answer to the letter of Washington previously noticed, says, "We have some accounts from Virginia that Colonel Henry has resigned in disgust at not being made a general officer; but it rather gives satisfaction than otherwise, as his abilities seem better calculated for the Senate than the field."

<sup>4</sup> Wirt's *Henry*, 206.

<sup>5</sup> Grigsby's *Virginia Convention of 1776*, 52-3, note.

to him we find no complaint of a want of discipline, and it was doubtless said in attempted justification. No harsh word seems to have escaped Mr. Henry's lips. Conscious of being in the right, he cared little for the strictures of others on his conduct. Had he needed vindication, the united testimony of the officers under his own and Colonel Woodford's command as to the propriety of his conduct was sufficient. But no one who can appreciate a soldier's sense of honor, will hesitate for a moment to applaud his spirited resentment of the indignity offered him. Twenty-one years before, Washington, under similar circumstances, had resigned his commission as Colonel, and his conduct had met with general approval.

It is useless to speculate on what would have been his career had Colonel Henry remained in the military service. Yet we must believe that had he survived the dangers of the battle-field, he would have added one more name to the long list of citizen soldiers who have faithfully served their country, and his genius might have won for him a place upon the highest pinnacle of fame, making him, as a military chieftain, the peer of a Sylla and a Clive. But whatever might have been his military career, we now clearly see that it was the hand of a gracious Providence which led him from the camp to the hall of legislation, and to the office of Executive, in both of which his services, which might not have been rendered by another, were of transcendent importance to his country.



## CHAPTER XV.

### PROGRESS OF THE REVOLUTION.—(1776.)

**Bitterness of the King.**—Debates in Parliament on American Affairs.—Firmness of the Friends of America. Vindictiveness of the Administration.—Effect in America.—Evidence that Independence had not been Previously Desired.—Alleged Mecklenburg Declaration.—Change in American Sentiment as to Independence.—Difficulties in the Way.—Congress Hampered.—The People of Virginia Declare for Independence.—Charlotte County Instructions.—All Eyes turned upon Patrick Henry.—Letters to Him.

WHILE the Committee of Safety were holding Colonel Henry inactive in his camp at Williamsburg, the political revolution of the Colonies was hurrying to its consummation, and the contest with the mother country was assuming an entirely different character. On August 18, 1775, the King wrote to Lord North. "I am unalterably determined at every hazard and at the risk of every consequence, to compel the colonies to absolute submission," and he added that, "it would be better totally to abandon them than to admit a single shadow of their doctrines."<sup>1</sup>

In this temper he convened Parliament October 26. He opened the session with a violent speech, in which he attributed the condition of affairs in America entirely to the intrigues of their political leaders, whom he charged with duplicity in their communications with the British Government; say-

<sup>1</sup> Donne's Correspondence of George III., i., 268.

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ing, "They meant only to amuse by vague expressions of attachment to the parent state, and the strongest protestations of loyalty to me, while they were preparing for a general revolt. . . . The rebellious war now levied is become more general, and is manifestly carried on for the purpose of establishing an independent empire." His Majesty then proceeded to say, it was "the part of wisdom and clemency to put a speedy end to these disorders by the most decisive measures. For this purpose I have increased my naval establishment and greatly augmented my land forces." He promised however to send commissioners with his forces, with authority to grant pardons and indemnities to individuals, and to receive the submission of any province or colony. He hinted at his employment of foreign troops, and closed by asking for the supplies necessary for the conduct of the war. The addresses moved in the two Houses in reply to this speech expressed satisfaction with the conduct of the King, and entire sympathy with his purpose to put down "a rebellion manifestly for the purpose of establishing and maintaining an independent empire." Upon these addresses memorable debates arose, which developed the fact that some of the ablest supporters of the government at the preceding session refused to sanction the war upon which they had entered, charging the Ministry with having grossly deceived them as to the true condition of affairs in America. The addresses were carried however by a vote of more than two to one in each House. The able and determined minority, nothing daunted, renewed their opposition upon every motion of the Government in aid of the

war, and brought forward from time to time proposals for reconciliation with the Colonies. The session lasted till May 23, 1776, and was chiefly occupied with American affairs.

In the Lords the Government was supported by the Earls of Rockford, Sandwich, and Dartmouth, and Lord George Sackville Germaine, all members of the cabinet. These were powerfully aided by Lord Mansfield, whose great intellect was too often exerted in behalf of tyranny. They were opposed by Lord Camden, the Bishop of Peterborough, the Earl of Shelburne, the Dukes of Richmond, Manchester, and Grafton, and the Marquis of Rockingham. In the Commons the leaders on the side of Government were Lord North, Solicitor General Wedderburn, Attorney General Thurlow, Sir Adam Ferguson, and Governor Littleton, while the opposition were led by Burke, Fox, Barré, Wilkes, Governor Johnstone, General Conway, and Temple and James Luttrell.

The devoted band that dared brave the anger of the King and the madness of the hour, and defend American rights under the taunt of being abettors of treason, deserve to be held in lasting remembrance. Two passages illustrate the firmness and spirit with which they met the bitter assaults of the ministerial party. In the House of Lords the Duke of Richmond having said, "I do not think the people of America in rebellion, but resisting acts of the most unexampled cruelty and oppression," he was loudly called to order, and the Earl of Denbigh, in an excited and boisterous manner, undertook to reprimand him, closing with the words, "I do openly contend that those who defend rebellion,

are themselves little better than rebels; and that there is very little difference between the traitor, and he who openly or privately abets treason." The Duke commenced a withering reply by saying, "The noise your lordships have heard, has reached below the bar, and must convince you that the noble Earl who spoke last has been heard there. But I will tell his lordship, that I am not to be intimidated or deterred from my duty by loud words. Such exertions of mere sound will not prevent me from punctually performing my duty." Later in the session upon the news of the death of Montgomery in attempting to storm Quebec, Barré, Burke, and Fox, all passed high eulogies in the House of Commons upon the gallant American. Lord North thereupon arose, and "censured what he called this unqualified liberality of the praises bestowed on General Montgomery, by the gentlemen in opposition, because they were bestowed upon a rebel; and said he could not join in lamenting his death as a public loss. He admitted, indeed, that he was brave, humane, generous; but still he was only a brave, able, humane, and generous rebel; and said, that the verse of the tragedy of Cato might be applied to him—

'Curse on his virtues, they've undone his country.'"

Mr. Fox arose a second time and said:

"The term 'rebel' applied by the noble Lord, to that excellent person, was no certain mark of disgrace, and therefore he was the less earnest to clear him of the imputation; for that all the great assertors of liberty, the saviours of their country, the benefactors of mankind, in all ages, had been called

rebels ; that they even owed the constitution, which enabled them to sit in that house, to a rebellion—

—' *Sunt hic etiam sua premia laudi ;  
Sunt lachrymæ rerum, et mentem mortalia tangunt.*'<sup>1</sup>

The most noted act of this session, the one which affected most the minds of the Americans, was the act prohibiting all trade with the thirteen Colonies. American vessels and goods were made the property of the captors, and the prisoners might be compelled to serve the King against their own countrymen. No grievance was removed, but commissioners were appointed to receive the submission of communities, or individuals. Lord North in introducing the bill declared it was purely a war measure, and it was treated as a declaration of war by both parties in the debates which followed, and was so regarded in America.

Important changes were made in the ministry. The Duke of Grafton retired and threw himself into the Opposition. The weak and vacillating Earl of Dartmouth took the privy seal, and was succeeded as secretary of the colonies by the cowardly and cruel Lord George Sackville Germaine. The Earl of Rockford was succeeded as one of the secretaries of state by Lord Weymouth, greatly his superior in ability and resolution. These changes were all for the purpose of conducting the most vigorous war against the Colonies. But the war

<sup>1</sup> The exclamation of Æneas upon seeing upon the walls of Dido's temple pictures of the struggles around Troy. I. *Æneid*, 461, 462.

"Aye praise waits on Worth"  
"E'en in this corner of the earth ;"  
"E'en here the tear of pity springs,"  
"And hearts are touched by human things."

—CONINGTON'S Translation.

was to a great extent the war of the ministry. The heart of the people was not in sympathy with the King, and unable to enlist the needed soldiers either in England, Scotland, or Ireland, he was forced to seek them in Europe. His applications to Holland and Russia were refused, but he succeeded in hiring troops from two of the petty princes of Germany, Charles, Duke of Brunswick, and Frederick the Second, Landgrave of Hesse Cassel, and Count of Hanau. These dissolute princes, with inhuman heartlessness, filled their empty coffers with the blood money of their subjects, and furnished the British tyrant with the hireling force with which he trusted to enslave his own subjects.

The speech of the King upon the opening of parliament was not published in America till January 4, 1776. Up to that time the utterances of the public bodies in the Colonies had been constant protestations of their desire to continue the union with the mother country as it had formerly existed. As late as November 29, 1775, the Continental Congress in their letters to the Colonial agents in Europe, said: "There is nothing more ardently desired by North America than a lasting union with Great Britain, on terms of just and equal liberty." This desire was attested by the Virginia Convention and the Rhode Island Assembly, as late as August, by the North Carolina Congress, September 8; by the Pennsylvania Assembly, November 9; by the New Jersey Assembly, November 28; by the Maryland Convention, December 7; and by the New York Congress, December 14.

These protestations of a desire to continue the union with England while the Colonies were resist-

ing the tyrannical claims of the British Government, were treated as hypocritical and treacherous, not only by the king and parliament, but by respectable writers of the day and of later times, who have charged the Colonies with harboring a design of independence even before the present dispute.<sup>1</sup> The charge of duplicity against the American patriots, could only have been made by those who did not appreciate their high characters and noble purposes. Certain it is, that their private and confidential communications were in accordance with their public utterances.

On October 9, 1774, Washington, after mingling freely with the leading spirits in America assembled in Congress, wrote to his friend Captain Mackenzie, "I am well satisfied that no such thing (as independence) is desired by any thinking man in all North America; on the contrary, that it is the ardent wish of the warmest advocates for liberty, that peace and tranquillity, upon constitutional grounds, may be restored, and the horrors of civil discord prevented."<sup>2</sup> Governor Richard Penn, who after delivering the second petition to the King was examined before Parliament and was asked whether he knew the members of the Congress of 1775, and whether their aim was independence, answered,<sup>3</sup> "I am acquainted with almost all the members of the Congress, I think they do not carry on the war for independency, I never heard them breathe sentiments of that nature." Samuel Adams wrote to Arthur Lee, February 14, 1774, while in attendance at the Massachusetts Provincial Congress, and re-

<sup>1</sup> See Chalmers, Johnson, Jenyns, Botta and Grabame.

<sup>2</sup> Writings of Washington, ii., 402.

<sup>3</sup> Parliamentary History.

ferred to the idea of independence as something "we all sincerely deprecate." On August 25, 1775, Jefferson wrote to his friend John Randolph, then in England,<sup>1</sup> deploring another campaign, as likely "to risk our accepting a foreign aid, which, perhaps, may not be obtainable, but on condition of everlasting evulsion from Great Britain," and added: "This would be thought a hard condition, to those who still wish for reunion with their parent country. I am sincerely one of those, and would rather be in dependence on Great Britain, properly limited, than on any nation on earth, or than on no nation."<sup>2</sup> And in 1821, he affirmed,<sup>3</sup> "Before that (the commencement of hostilities) I never heard a whisper of a disposition to separate from Great Britain; and after that, its possibility was contemplated with affliction by all." John Adams at the same time declared,<sup>4</sup> "that there existed a general desire of independence of the crown in any part of America, before the revolution, is as far from the truth as the zenith from the nadir." "For my own part, there was not a moment during the revolution when I would not have given everything I possessed for a restoration to the state of things before the contest began, provided we could have had a sufficient security for its continuance."<sup>5</sup> And John Jay also then said,<sup>6</sup> "During the course of my life, and until

<sup>1</sup> Writings of Jefferson, i., 151.

<sup>2</sup> In Jefferson's Notes on Virginia, he said: "It is well known that in July, 1775, a separation from Great Britain and establishment of republican government had never yet entered into any person's mind."

<sup>3</sup> Life of John Jay, ii., 417.

<sup>4</sup> Ibid., 416.

<sup>5</sup> See also his letter to a friend, February 18, 1776, American Archives (4th Series), iv., 1183, where he expresses his desire for reconciliation.

<sup>6</sup> Life of John Jay, ii., 412.



after the second petition of congress in 1775, I never heard an American of any class, or of any description, express a wish for the independence of the colonies. . . . It has always been, and still is my opinion and belief, that our country was prompted and impelled to independence by necessity and not by choice. Those who know how we were then circumstanced, know from whence that necessity resulted."

We have also a remarkable attestation of the truth of these statements in a pastoral letter of the Synod of New York and Philadelphia May 22, 1775, to their members in New York, New Jersey, Delaware, Pennsylvania, Virginia and North Carolina, in which, referring to the existing war, they say, "It gives us the greatest pleasure to say, from our own certain knowledge of all belonging to our communion, and from the best means of information, of the far greatest part of all denominations in this country, that the present opposition to the measures of administration does not in the least arise from disaffection to the king, or a desire of separation from the parent state."<sup>1</sup>

Samuel Adams and Patrick Henry were undoubtedly among the first to abandon all hope of reconciliation, and to realize that independence was a necessary step, but there is no evidence that either commenced the struggle for colonial rights with any desire to attain independence.

The people of Mecklenburg County, North Carolina, whose resolutions in May, 1775, have been so much discussed in late years, formed no exception

<sup>1</sup> See this truly patriotic and Christian letter in Records of the Presbyterian Church, 466-9.

to the statement that the colonies did not then desire independence. The first publication as to the disputed resolutions which attracted attention was made in the *Raleigh Register*, April 30, 1819, and consisted of a copy of a paper, said to have been left by John McKnitt Alexander, deceased, giving an account of a meeting at Charlotte, the county seat of Mecklenburg County, May 20, 1775, and the adoption then of a series of resolutions, whereby they absolved themselves "from all allegiance to the British crown." The copy had a memorandum endorsed to the effect, "that the original book was burned April, 1800," and "that a copy of the proceedings was sent to Hugh Williamson, in New York, then writing a History of North Carolina, and that a copy was sent to General W. R. Davie." The publication gave rise to considerable discussion, both John Adams and Thomas Jefferson expressing doubts as to the genuineness of the resolutions. Thereupon the depositions of a number of the survivors of the occasion were taken, who united in the fact that a declaration of independence was made during that month at that place, some fixing the date on May 20. After a search the copy sent to General W. R. Davie was found, and on it a certificate of Mr. Alexander in the following words: "It may be worthy of notice here to observe that the foregoing statement, though fundamentally correct, yet may not literally correspond with the original record of the transactions of said delegation and court of inquiry, as all those records and papers were burned with the house on April 6, 1800, but previous to that time (1800) a full copy of said records, at the request of Dr. Hugh Williamson,

then of New York, but formerly a representative in congress from this State, was forwarded to him by Colonel William Polk, in order that these early transactions might fill their proper place in a history of this state by Dr. Williamson in New York.”<sup>1</sup> The copy sent to Dr. Williamson has never been found, and was not used by him in his book, which did not come down to so late a period. No contemporaneous publication or record of these resolutions has been found, and they are sought to be established by the recollections of men more than forty years after their date, and chiefly by the statements of John McKnitt Alexander, who is described as the secretary of the meeting. After the discussion concerning them had progressed for years, the record of a meeting of the County Committee at the same place on May 31, eleven days later, was discovered in the *South Carolina Gazette* of June 13, 1775, and the *New York Journal* of June 29, 1775, and some other papers of that day. The resolutions of this meeting have the following preamble: “Whereas by an address of Parliament in February last the American colonies are declared to be in a state of actual rebellion, we conceive that all laws and commissions confirmed by or derived from the authority of the King and Parliament are annulled and vacated, and the former civil constitution of these Colonies for the present wholly suspended. To provide in some degree for the exigencies of this county in the present alarming period, we deem it proper and necessary to pass the following resolves, viz.” Then follow twenty resolves providing a very complete county government. The eighteenth

<sup>1</sup> Wheeler's *Reminiscences of North Carolina*, 269.

resolution is in these words: "That these resolutions be in full force and virtue until instructions from the Provincial Congress regulating the jurisprudence of the province shall provide otherwise, or the legislative body of Great Britain resign its unjust and arbitrary pretensions with respect to America." These resolutions while establishing a temporary government upon the ground urged by Mr. Henry in the Continental Congress of 1774, expressly negative the idea of absolute and irrevocable separation from Great Britain. They were therefore inconsistent with the resolves said to have been adopted eleven days before, and the conclusion seems to be inevitable, that in the attempt to recall them Mr. Alexander and others mistook their exact import as well as their date, or gave their date in the old style, not entirely gone out of use in 1775, by which May 31, would have been written May 20.<sup>1</sup> As the action of May 31, was published, it must be taken as representing the position of the county. This view is made conclusive by the record of the contemporaneous statements of four at least of the most prominent actors on the occasion. At the North Carolina Provincial Congress which met August 20, 1775, Thomas Polk, John Pfifer, Waighstill Avery, and John McKnitt Alexander were among the representatives from Mecklenburg County.<sup>2</sup> These were described as active in the meetings of the preceding May. On August 23, they with the other members of the body signed a test, which commences as follows: "We the subscribers, professing our al-

<sup>1</sup> By act of Parliament, September, 1752, the change from Julian to Gregorian reckoning was made; the 8d of the month called the 14th, and the year made to commence January 1 instead of March 25, as before.

<sup>2</sup> Journal in American Archives (4th Series), iii., 183.

legiance to the King, and acknowledging the constitutional executive power of Government.”<sup>1</sup>

On September 4, the body having taken into consideration the proposed plan of a General Confederation resolved,<sup>2</sup> “That the present association ought to be further relied on for bringing about a reconciliation with the Parent State, and a further Confederacy ought only to be adopted in case of the last necessity.”

On September 8, the body unanimously adopted an address to the inhabitants of the British Empire<sup>3</sup> which contains the following language :

“We have been told that independence is our object: that we seek to shake off all connection with the parent state. Cruel suggestion ! Do not all our professions, all our actions, uniformly contradict this ? We again declare, and we invoke that Almighty Being who searches the recesses of the human heart, and knows our most secret intentions, that it is our most earnest wish and prayer to be restored, with the other united Colonies, to the state in which we and they were placed before the year 1763. . . . Whenever we have departed from the forms of the constitution, our own safety and self-preservation have dictated the expedient ; and if in any instance we have assumed powers which the laws invest in the Sovereign, or his representatives, it has been in defence of our persons, properties and those rights which God, and the constitution have made inalienably ours. As soon as the cause of our fears and apprehensions are removed, with joy will we return these powers to their regular channels ; and such institutions, formed from

<sup>1</sup> Journal in American Archives (4th Series), iii., 187.

<sup>2</sup> Idem., iii., 196.


<sup>3</sup> Idem., iii., 201.

mere necessity, shall end with that necessity that created them," etc.

After these repeated and solemn declarations and acts to the contrary, it does violence to the memory of the representatives of Mecklenburg County to represent them as already having declared independence; and to establish such a declaration would be to demonstrate that these delegates were guilty of shameful falsehood, and were unworthy of the liberty they risked their lives to establish.

But while the desire of the Americans was universal for the continuance of the union with Great Britain long after the commencement of hostilities, it was the conviction of intelligent observers in Europe and America that the necessary result of the contest would be independence, or subjugation. The patriot party in the colonies were slow in coming to this conclusion, till forced by the events of the winter of 1775-6; but in the spring of 1776 there was a widespread conviction that independence was necessary for the preservation of their rights. The determination of the King and Parliament to vigorously prosecute the war, followed by the intercepted letter of Germaine to Governor Eden, of Maryland, announcing the sailing of a force to subjugate the Southern Colonies, dispelled all reasonable hope of reconciliation; while the cruel spirit in which the war was prosecuted completely alienated the Colonies from the mother country.

The altered tone of the press indicated the change going on among the people. This change was powerfully aided by the pamphlet written by Thomas Paine, called "Common Sense," which ran rapidly




through several editions. In it the necessity for declaring independence was urged with great force, and its effect upon the public mind was something phenomenal. But there were serious difficulties in the way. The progress of events had developed the Tory element in the Colonies, and it was not to be despised either for its numbers or its influence. The proprietary interest in the Middle Colonies feared a change of government, and united with the Tories in resisting every step towards independence. Many patriots who were convinced of the propriety of the step, were of opinion that the time had not arrived when it could be safely taken. . No confederation of the colonies had been entered into, and no foreign alliances had been assured.

The war had not been without its reverses, and the military situation was critical. The brilliant campaign of Montgomery in Canada had been brought to a disastrous termination upon his fall before Quebec. It was true that General Howe, the successor of Gage, had been forced by Washington to abandon Boston, and the patriots of North Carolina had gained a signal victory over the Tories at Moore's Creek Bridge; but the British were concentrating a large force at New York, and Washington, whose army had been greatly reduced by the expiration of the terms of enlistment and the expedition into Canada, had no adequate force to oppose them. The Congress, called on to conduct a war with Great Britain while professing allegiance to the British Crown, had been embarrassed in all of its action, and had failed to put forth that prompt, vigorous exertion so necessary for the successful conduct of war. They attempted to keep open the

door for reconciliation, and even when driven by necessity to take important steps, these were often injuriously delayed, and some matters of the greatest importance were not acted on at all. Thus the advice given to New Hampshire, South Carolina, and Virginia, in November and December, 1775, to form local governments in the place of the royal authority, which had been abandoned in those colonies, limited them to the continuance of the present disputes. A committee to seek foreign aid was not appointed till November 29, 1775. The advice to disarm all Tories was given March 14, 1776. The authorization of privateers was given March 23, 1776, and the proposal of Virginia to open American ports to all nations except Great Britain, was discussed from January 12, 1776, to April 6, when it was adopted. The urgent request of Washington to raise an army for the war instead of depending on annual enlistments, was not acted on, and the plan of confederation introduced by Franklin shared the same fate. To add to the perplexity of the situation the rumor was spread, that a commission would be sent by the Ministry to treat with the Colonies, and offer them satisfactory terms.

But the difficulties which surrounded the American patriots only served to arouse them the more, and in no colony was there a finer spirit than in Virginia. In the elections for the Convention to meet in May the candidates were required to pledge themselves for independence, and, as before, many counties instructed their delegates as to their wishes. The earliest of these instructions for independence which were published, was from the county of Charlotte, April 23, 1776, a county which Mr.





Henry afterwards made his home. As an indication of the spirit of the people, this remarkable paper is well worthy of preservation. It is as follows :


*To Paul Carrington, and Thomas Read, Esq's. :*

"GENTLEMEN : When we consider the despotick plan adopted by the King, Ministry and Parliament of *Great Britain*, insidiously pursued for these twelve years past, to enslave *America* ; when we consider that they have turned a deaf ear to the repeated petitions and remonstrances of this and our sister Colonies, and that they have been equally inattentive to the rights of freemen and the British Constitution ; and when we consider that they have for some time been endeavouring to enforce their arbitrary mandates by fire and sword, and likewise encouraging, by every means in their power, our savage neighbours, and our more savage domesticks, to spill the blood of our wives and children ; and to crown the whole, they have added insult to their injustice and cruelty, by repeatedly pretending to hold out the olive branch of peace in such a way as teacheth us that they are determined to persist in their hellish designs, and that nothing is intended for us but the most abject slavery ; of this we can no longer doubt, since we have been made acquainted with a late letter from the Secretary of State to Governour *Eden*, and the late act of Parliament for seizing and confiscating all our ships and property that may fall into their hands :

"Therefore despairing of any redress of our grievances from the King and Parliament of *Great Britain*, and all hopes of a reconciliation between her and the United Colonies being now at an end, and being conscious that their treatment has been such as loyal subjects did not deserve, and to which as freemen, we are determined not to submit ;

by the unanimous approbation and direction of the whole freeholders, and all the other inhabitants of this County, we advise and instruct you, cheerfully to concur and give your best assistance in our Convention, to push to the utmost a war offensive and defensive until you are certified that such proposals of peace are made to our General Congress as shall by them be judged just and friendly. And because the advantages of a trade will better enable us to pay the taxes, and procure the necessaries for carrying on a war, and in our present circumstances this cannot be had without a Declaration of Independence; therefore if no such proposals of peace shall be made, we judge it to be a dictate of the first law of nature, to continue to oppose every attempt on our lives and properties; and we give it you in charge, to use your best endeavours that the Delegates which are sent to the General Congress be instructed immediately to cast off the *British* yoke, and to enter into a commercial alliance with any nation or nations friendly to our cause. And as King George the Third of *Great Britain &c.*, has manifested deliberate enmity towards us, and under the character of a parent persists in behaving as a tyrant, that they, in our behalf renounce allegiance to him for ever; and that, taking the God of Heaven to be our King, and depending upon His protection and assistance, they plan out that form of Government which may the more effectually secure to us the enjoyment of our civil and religious rights and privileges, to the latest posterity.

“In all other things, gentlemen, that may come before you in Convention, we rely upon your known fidelity and zeal; resolving and giving you our faith, that we will at the risk of our lives and fortunes, to the utmost of our abilities, support and defend you, our country and our sister Colonies, in the glorious cause in which we are now engaged.”



"Ordered, That the above Resolves be published in the *Virginia Gazette*.

"By order: William Jameson, Clerk."


Mr. Henry was returned as one of the delegates from the county of Hanover, and all eyes were at once turned to him as the destined leader of the body. Among the letters he received showing that his countrymen were looking to him for wise counsel in this great crisis, the following will be read with interest. The first is from the Italian neighbor of Mr. Jefferson, written during the session of the Convention.

"COLLE June 26<sup>th</sup> 1776.

"MOST NOBLE PATRIOT, I call you by your name. Henry came by chance; Patrick was given with no more reason, than John or Richard would; sir, and other titles are words without meaning; but that is a name you have acquired. It is due to you. Permit me then to call you by that, and no other.

"As soon as you promised me, that you would go from the military into your place (the senate) my heart was filled with joy, because I knew you, & in consequence I was certain that you would do it. Our noble friends, Mr John Page of Roswell & Mr. Jefferson, whom I thought my duty to inform of your determination, joined with me in opinion, & you will own that they deserved to partake of my joy, as they had heartily partook of my uneasiness on account of your absence from it. They knew the necessity of your being where you are; they foresaw the calamities, to which we would have been reduced for the want of such a man as you in the senate at this jointure. But every sensible man saw it, although I was perhaps the only one, who did dare to awake you, & to prove to you that modesty

in your case was a crime. Now I am easy. You are there; I fear nothing. In my private capacity I have endeavoured to do all in my power towards the Public welfare. I had prepared some instructions for this county, but as you have practised law here I don't need to tell you, that we have a certain clan who put themselves in the way to every good thing, least the promoter of it should acquire part of that influence, which they have totally engrossed to themselves. I assure you that I have not been insensible to such infamous proceedings; but I could do nothing. I am intirely in obscurity. I would have disregarded the whole at any other time. Now I cannot be insensible, because I see that I could have been of some real service, had not shamefull jealousy throughn obstacles in my way. I have sent to Mr John Page a copy of the instructions I had prepared with the justification of the sentiments therein contained & some reflections upon the English constitution, endeavoring to prove the weak basis & heavy errors of it, my idea in regard to the nature of the best Government which may be easily established by us, an opportunity that no People (by what we know from histories) ever had before. I have desired Mr Page to have them corrected & improved, and afterwards published. Would you do me the friendly favour of perusing them, and bestow your advice upon them before they are printed. Your time is precious, I know, but I hope you will spare as much as that on a subject that may perhaps be still of some advantage, & to do honour to the sentiments of a man, who is intirely equal to you in regard to Patriotism, although inferior in point of abilities. I should be proud of an answer from you with your opinions upon my performances; & if it was such, that I could show without hurting my modesty, or pride, it would answer 2 purposes: one private, the other public.



It is certain, that it would be of a great advantage to this county, that somebody could acquire consideration enough as to oppose the intrigues of the malicious old fox & all his clan; because the only able virtuous man we have, is quite in the dark of it, & often is rendered, without perceiving it in the least, subservient to their views. I hope you will excuse the liberty I take, & as to the stile my ignorance of the language must serve as an apology. What is certain, & in what I may perhaps want expressions to signify my feelings, is, that I love, admire, & revere you, as one of the most virtuous and noble spirited men of the age, no way inferior to an ancient Roman Hero. I have the honor to be with respect and esteem, Most noble patriot,

“Your most obedient & Most humble servant.

“PHILIP MAZZEI.”

TO PATRICK HENRY, JUN<sup>r</sup> Esq<sup>r</sup>

Richard Henry Lee, with a full appreciation of Mr. Henry's influence, wrote to him from Philadelphia his views, and ably presented the arguments for an immediate declaration of independence, in the following noble letter :

“PHILADELPHIA 20<sup>th</sup> April 1776.

“DEAR SIR : Having done myself the pleasure of writing to you by General Lee I must now refer you to that letter, and at present invite your attention to the most important concerns of our approaching convention. Ages yet unborn, and millions existing at present, must rue or bless that Assembly, on which their happiness or misery will so eminently depend. Virginia has hitherto taken the lead in great affairs, and many now look to her with anxious expectation, hoping that the spirit, wisdom, and energy of her councils, will rouse America from the

fatal lethargy into which the feebleness, folly, and interested views of the Proprietary governments, with the aid of Tory machinations, have thrown her most unhappily. The 12 years experience we have had of the perfidy and despotic intentions of the British Court is still further demonstrated by the King's speech, by the express declaration of every Ministerial Man in both houses of Parliament, by their infamous retrospective robbery Act, and by the intercepted letter from the Secretary of State to Governor Eden. All join in proving the design of the British Court to subdue at every event, and to enslave America after having destroyed its best Members. The act of Parliament has to every legal intent and purpose dissolved our government, uncommissioned every magistrate, and placed us in the high road to Anarchy. In Virginia we have certainly no Magistrate lawfully qualified to hang a murderer, or any other villain offending ever so atrociously against the state. We cannot be Rebels excluded from the King's protection and Magistrates acting under his authority at the same time. This proves the indispensable necessity of our taking up government immediately, for the preservation of Society, to effect the purpose of applying with vigor the strength of the country to its present critical state; and above all to set an example which N. Carolina, Maryland, Pennsylvania, and N. York will most assuredly, in my opinion, follow; and which will effectually remove the baneful influence of Proprietary interests from the councils of America. When this is done, give peremptory instructions to your Delegates to take every effectual step to secure America from the despotic aims of the British Court by Treaties of alliance with foreign States, or by any means that shall be thought most conducive to that end. A slight attention to the late proceedings of many European Courts will sufficiently evince the

spirit of partition, and the assumed right of disposing of Men & Countries like live stock on a farm, that distinguishes this corrupt age. St. Domingo, Lousiana, Corsica, & Poland indisputably prove this. Now Sir, I leave it with you to judge, whether, whilst we are hesitating about forming alliance, Great Britain may not, and probably will not, seal our ruin by signing a Treaty of partition with two or three ambitious powers that may aid in conquering us—Upon principles of interest and revenge they surely will. When G. B. finds she cannot conquer us alone, and that the whole must be lost, will she not rather choose a part than have none? Certainly she will, and to gain the necessary aid give up a part, and thus involve us unaided, unassisted, in a very unequal destructive contest with three or 4 of the greatest states in Europe. Nothing in this world is more certain than that the present Court of London would rather rule despotically a single rod of earth, than govern the world under legal limitations. All this danger however may be prevented by a timely alliance with proper and willing powers in Europe—Indeed we are a singular instances in modern times of a people engaged in war with a powerful Nation, without taking steps to secure the friendship or even neutrality, of foreign states—leaving to our enemies the full opportunity of engaging all. And we know with certainty that every maritime state in Europe has been interceded with not to supply us with military stores, and many states have been applied to for troops to destroy us, as Russia, Hesse, Hanover and Holland. Is it not the most dreadful infatuation in us to remain quiet in this way and stir not until it is too late? But no State in Europe will either Treat or Trade with us so long as we consider ourselves Subjects of G. B. Honor, dignity, and the customs of states forbid them until we take rank as an independant peo-

ple. The war cannot long be prosecuted without Trade, nor can Taxes be paid until we are enabled to sell our produce, which cannot be the case without the help of foreign ships, whilst our enemy's navy is so superior to ours. A contraband sloop or so may come from foreign parts, but no authorised, and consequently sufficiently extensive Trade will be carried on with us whilst we remain in our present undefined unmeaning condition. Our clearest interest therefore, our very existance as freemen, requires that we take decisive steps now, whilst we may, for the security of America. It is most fortunate for us that the present quit-rent revenue, with the impost on Tob<sup>o</sup> & Tonnage will do more than defray all our expences of Civil government without fresh Taxes on the people, and the unappropriated lands will pay the expences of the war.

"The inclosed pamphlet on Government is the production of our friend John Adams. It is sensible and shows the virtue of the man, at the same time that it proves the business of framing government not to be so difficult a thing as most people imagine. The small scheme printed in hand bill I had written before I saw this work of Mr. Adams, and he agrees that the Council of State had better be a distinct body from the Upper house of Assembly, meaning the upper house; their duration indeed may be too long, but it should be for a longer term than the lower house, in order to answer the purpose of an independant middle power. The sheriffs had better I think be appointed as now in Virginia, or by choice of the freeholders in each county.

"The recommendation of congress about taking Government is, as you see, of old date, and therefore it is said during the continuance of the present disputes. But it matters not much, for the Government taken up ought to be the best, whether it be for this, that, or another term of years. This I



take to be the time and thing meant by Shakespeare when he says,

‘There is a Tide in the Affairs of Men  
Which taken at the Flood leads on to Fortune—  
That omitted, we are ever after bound in Shallows,’ &c.

Let us therefore, quitting every other consideration, heartily unite in leading our countrymen to embrace the ”<sup>1</sup>

Mr. Henry was in full accord with these views, and was so impressed with the importance of an immediate alliance with France, that he urged the sending of ambassadors at once to the French court, empowered to offer American commerce as an inducement to French aid. And in order to send ambassadors with proper authority to represent the United States, he insisted on Congress at once adopting articles of confederation confined to purposes offensive and defensive. He doubted the wisdom of making public a declaration of independence, till the confederation was adopted by Congress, and the ambassadors were dispatched, as he feared that Great Britain would, on hearing of it, at once endeavor to anticipate the Americans at the French Court. On arriving at Williamsburg he met General Charles Lee, who had been sent to command the Southern Department, and was eager for an immediate open declaration. He mentioned to him his views of the proper order in which this all-important matter should be conducted, and this impulsive man, misconstruing his position in a measure, wrote him on the next day the following letter :

<sup>1</sup> The remainder is lost from the MS.

“WILLIAMSBURG, May 7<sup>th</sup>, 1776.

“DEAR SIR: If I had not the highest opinion of your character and liberal way of thinking, I should not venture to address myself to you. And if I were not equally persuaded of the great weight and influence which the transcendent abilities you possess must naturally confer, I should not give myself the trouble of writing, nor you the trouble of reading this long letter. Since our conversation yesterday, my thoughts have been solely employed on the great question whether Independence ought or ought not to be immediately declared. Having weighed the argument on both sides, I am clearly of the opinion that we must, as we value the liberties of America, or even her existence, without a moment's delay declare for Independence. If my reasons appear weak, you will excuse them for the disinterestedness of the author, as I may venture to affirm, that no man on this Continent will sacrifice more than myself by the separation. But if I have the good fortune to offer any arguments which have escaped your understanding, and they should make the desired impressions, I think I shall have rendered the greatest service to the community.

“The objection you made yesterday, if I understood you rightly, to an immediate Declaration, was, by many degrees the most specious; indeed, it is the only tolerable one that I have yet heard. You say, and with great justice, that we ought previously to have felt the pulse of France and Spain. I more than believe, I am almost confident, that it has been done; at least I can assert upon recollection, that some of the Committee of Secrecy have assured me that the sentiments of both these Courts, or their agents, had been sounded, and were found to be as favorable as could be wished. But admitting that we are utter strangers to their senti-

ments on the subject, and that we run some risk of this Declaration being coldly received by these Powers, such is our situation that the risk must be ventured.

“On one side there are the most probable chances of our success, founded on the certain advantages which must manifest themselves to French understandings by a treaty of alliance with America. The strength and weakness, the opulence and poverty of every State are estimated in the scale of comparison with her immediate rival. The superior commerce and marine force of England were evidently established on the monopoly of her American trade. The inferiority of France in these two capital points, consequently, had its source in the same origin. Any deduction from the monopoly must bring down her rival in proportion to this deduction.

“The French are, and always have been, sensible of these great truths. Your idea, that they may be diverted from a line of policy which assures them such immense and permanent advantages by an offer of partition from Great Britain, appears to me, if you will excuse the phrase, an absolute chimera. They must be wretched politicians, indeed, if they would prefer the uncertain acquisition, and the precarious expensive possession of one or two Provinces, to the greater part of the Commerce of the whole. Besides, were not the advantages from the latter so manifestly greater than those that would accrue from the imagined partition scheme, it is notorious that acquisition of territory, or even Colonial possessions, which require either men or money to retain, are entirely repugnant to the spirit and principles of the present French Court. It is so repugnant, indeed, that it is most certain they have lately entertained thoughts of abandoning their West India Islands. *Le commerce et l'économie*, are

the cry down from the King to the lowest Minister. From these considerations, I am convinced that they will immediately and essentially assist us if Independence is declared. But allowing that there can be no certainty, but mere chances in our favour, I do insist upon it that these chances render it our duty to adopt the measure, as by procrastination our ruin is inevitable. Should it now be determined to wait the result of a formal negotiation with France, a whole year must pass over our heads before we can be acquainted with the result. In the mean time we are to struggle through a campaign, without arms, ammunitions, or any one necessary of war. Disgrace and defeat will infallibly ensue, the soldiers and officers will become so disappointed that they will abandon their colours, and probably never be persuaded to make another effort.

"But there is another consideration still more cogent. I can assure you that the spirit of the people cries out for this Declaration; the military, in particular, men and officers, are outrageous on the subject, and a man of your excellent discernment need not be told how dangerous it would be in our present circumstances, to dally with the spirit, or disappoint the expectations of the bulk of the people. May not despair, anarchy, and finally submission, be the bitter fruits? I am firmly persuaded that they will; and, in this persuasion, I most devoutly pray, that you may not merely recommend, but positively lay injunctions, on your servants in Congress to embrace a measure so necessary to our salvation.

"Yours, most sincerely,

"CHARLES LEE."

Mr. Henry's own statement of his position appears in his reply to Richard Henry Lee, dated

May 20, 1776,<sup>1</sup> and a letter written to John Adams on the same day.<sup>2</sup>

The information as to the disposition of the French court, given in the letter to General Lee, was doubtless derived from M. de Bouvouloir, the secret agent of the French minister Vergennes, who appeared in Philadelphia in January, 1776, and assured the Secret Committee of the disposition of France to aid the Colonies.<sup>3</sup> That Committee may have had like assurances also from Spain. The letter of General Lee was evidently the first information on this important subject conveyed to Mr. Henry. It removed from his mind a burden of anxiety, as it was an assurance that his early prediction that these nations would come to the aid of the Colonies, would be verified.

<sup>1</sup> See post, p. 410.

<sup>2</sup> See post, p. 412.

<sup>3</sup> Dewitt's Jefferson and the American Democracy, 388.

## CHAPTER XVI.

### VIRGINIA CONVENTION.—INDEPENDENCE.—1776.

**Character of Members.—James Madison and Edmund Randolph Enter Public Life.—Patrick Henry Leads the Convention.—Arranges for General Thomas Nelson to Move Independence.—Supports the Resolution with Overpowering Eloquence.—History of the Motion in the Convention.—Opposition of Robert Carter Nicholas.—Public Demonstrations of Joy by the Army and People of Williamsburg.—Hearty Approval Throughout America.—The Virginia Resolutions in Congress.—Declaration of Independence.—Articles of Confederation.**

THE Convention met in Williamsburg May 6, 1776, and entered upon a session which will be ever memorable in the annals of history. Many new members appeared, but nearly all of the old and tried leaders had been returned by their constituencies. Among the new members there were some of great ability, destined to leave their impress upon the institutions of their country. Foremost among these was James Madison, who appeared as a delegate from Orange County. He was just twenty-five years of age, and had been only four years from Princeton College, where he had been a distinguished scholar. His pale face and delicate form still betokened the student. His modesty kept him from mingling in the debates of the body, but no one who once engaged him in conversation could for a moment doubt his extraordinary powers of mind, or fail to appreciate the extent and accuracy of his information. His powers of analysis and of criticism

were already developed, and it was said of him by one<sup>1</sup> who was his fellow-member, and has described him as he appeared in the body, "While he thrilled with the ecstasies of Henry's eloquence, and extolled his skill in commanding the audience, he detected what might be faulty in his reasoning."

In after-years he became not only one of the greatest of American statesmen, but the most formidable antagonist in debate that Mr. Henry ever encountered.

The town of Williamsburg had sent, as the alternate of Wythe who was in attendance on the Continental Congress, Edmund Randolph, in the twenty-third year of his age. He was of distinguished lineage, tall in stature, graceful in manners, and scholarly in his utterances. He had months before parted company with his father, John Randolph, the Attorney-general of the Colony, who had sailed for England, a determined Tory, while the son, an ardent patriot, had repaired to the camp of Washington. A brilliant and effective speaker, he was to be a leader in deliberative bodies, and to be the recipient of high honors at the hands of his countrymen. Both he and Madison were now to receive their first lesson in practical statesmanship, a lesson so well improved that their names will ever be remembered, interwoven as they have been in the warp and woof of the Federal Constitution. The Convention, before adjournment, paid young Randolph the fitting compliment of giving him the important office of Attorney-General, held by his father when he abandoned the Colony.

Edmund Pendleton had presided over the last

<sup>1</sup> Edmund Randolph in his MS. History of Virginia.

Convention with great dignity, and it was the desire of his friends that he should be again honored with the position of Speaker. He was put in nomination by the venerable Richard Bland, who was seconded by Archibald Cary. The well-known agency of Pendleton, as chairman of the Committee of Safety, in driving Mr. Henry from the military service, prevented his election from being without opposition.

Thomas Ludwell Lee was put in nomination by Thomas Johnson, of Louisa, the county which first sent Mr. Henry into public service, and he was seconded by Bartholomew Dandridge, the brother-in-law of Washington. That this opposition was against the wishes of Mr. Henry is quite certain, from what occurred afterward. Indeed, he never allowed his private grievances to interfere with the public service, and he well knew the importance of perfect harmony in the grave matters to be considered by the body. Although he could doubtless have defeated Pendleton, he allowed him to be elected, and we soon find them working together in the important business of the Convention. Mr. Henry was placed upon the Committee of Privileges and Elections, and of Propositions and Grievances, and seems to have acted as chairman of this last in making its numerous reports, although his name appears second in the appointment. He was also a member of a committee raised on May 7, to prepare an ordinance to encourage the making of salt, saltpetre, and gunpowder.

At no period of his life did Mr. Henry display his consummate powers as a leader to more advantage than now. He thoroughly informed himself of the temper of the people as displayed in their dele-



gates, and set himself at work to harmonize the various interests in the body, so as to attain, as far as possible, unanimity in their action on the overshadowing question of independence. General Charles Lee wrote to General Washington, May 10 :<sup>1</sup> "A noble spirit possesses the convention. They are almost unanimous for independence, but differ in their sentiments about the mode ; two days will decide it." Colonel John A. Washington wrote May 11, to Richard Henry Lee,<sup>2</sup> for whom he was alternate : "I hardly think the grand question will come on before Tuesday next. . . . When it does there will be much altercation, but I believe no danger but that we shall determine upon taking up Government, but whether they may be so explicit as I could wish in their instructions to our delegates I cannot determine, but hope there is no great danger."

On the day after the Convention met they fixed on the 10th, to go into Committee of the Whole to consider the state of the Colony, but on the 9th, a resolution was introduced, which was discussed several days before adoption, for removing from Norfolk and Princess Anne Counties the male negroes over thirteen, together with disaffected whites, and all surplus provisions ; and on the next day, on a letter from General Lee, the question of sending troops to the assistance of North Carolina was taken up, and determined by ordering that 1,300 men be raised immediately for that purpose.

It was May 14 before the Convention was able

<sup>1</sup> American Archives (4th Series), vi., 406.

<sup>2</sup> See letter in Southern Literary Messenger for November, 1858, p. 329.

to dispose of these and other pressing matters, so as to go into Committee of the Whole upon the state of the Colony. Colonel Archibald Cary presided over the Committee. The question of independence was introduced at once, and was debated on that and the next day, when the Committee rose and reported the following resolutions, which were unanimously agreed to by the House, one hundred and twelve members being present :

“Forasmuch as all the endeavours of the United Colonies, by the most decent representations and petitions to the king and parliament of Great Britain, to restore peace and security to America under the British government, and a reunion with that people upon just and liberal terms, instead of a redress of grievances, have produced, from an imperious and vindictive administration, increased insult, oppression, and a vigorous attempt to effect our total destruction. By a late act, all these colonies are declared to be in rebellion, and out of the protection of the British crown ; our properties subjected to confiscation ; our people, when captivated, compelled to join in the murder and plunder of their relations and countrymen ; and all former rapine and oppression of Americans declared legal and just. Fleets and armies are raised, and the aid of foreign troops engaged to assist these destructive purposes. The King’s representative in this colony hath not only withheld all the powers of government from operating for our safety, but, having retired on board an armed ship, is carrying on a piratical and savage war against us, tempting our slaves by every artifice to resort to him, and training and employing them against their masters. In this state of extreme danger, we have no alternative left but an abject submission to the will of those

overbearing tyrants, or a total separation from the crown and government of Great Britain, uniting and exerting the strength of all America for defence, and forming alliances with foreign powers for commerce and aid in war: Wherefore, appealing to the SEARCHER OF HEARTS for the sincerity of former declarations, expressing our desire to preserve the connexion with that nation, and that we are driven from that inclination by their wicked councils, and the eternal laws of self preservation;

*“Resolved, unanimously, That the delegates appointed to represent this colony in General Congress, be instructed to propose to that respectable body to declare the United Colonies free and independent states, absolved from all allegiance to, or dependence upon, the crown or parliament of Great Britain; and that they give the assent of this colony to such declaration, and to whatever measures may be thought proper and necessary by the Congress for forming foreign alliances, and a confederation of the colonies, at such time, and in the manner, as to them shall seem best: Provided, that the power of forming government for, and the regulations of, the internal concerns of each colony, be left to the respective colonial legislatures.*

*“Resolved unanimously, That a committee be appointed to prepare a DECLARATION of RIGHTS, and such a plan of government as will be most likely to maintain peace and order in this colony, and secure substantial and equal liberty to the people.”*

The leading part taken by Mr. Henry on this momentous occasion is thus described by Edmund Randolph :

*“When the disposition of the peoples as exhibited by their representatives could not be mistaken,*

Henry had full indulgence of his own private judgment, and he concerted with Nelson that he (Nelson) should introduce the question of independence, and that Henry should enforce it. Nelson affected nothing of oratory, except what ardent feelings might inspire, and characteristic of himself, he had no fears of his own with which to temporize, and supposing that others ought to have none, he passed over the probabilities of foreign aid, stepped lightly on the difficulties of procuring military stores and the inexperience of officers and soldiers, but pressed a declaration of independence, upon what with him were incontrovertible grounds; that we were oppressed, had humbly supplicated a redress of grievances which had been refused with insult; and that to return from battle against the sovereign with the cordiality of subjects was absurd. It was expected that a declaration of independence would certainly be passed, and for obvious reasons Mr. Henry seemed allotted to crown his political conduct with this supreme stroke. And yet for a considerable time he talked of the subject as critical, but without committing himself by a pointed avowal in its favor or a pointed repudiation of it. He thought that a course which put at stake the lives and fortunes of the people should appear to be their own act, and that he ought not to place upon the responsibility of his eloquence, a revolution of which the people might be wearied after the present stimulus should cease to operate. But after some time he appeared in an element for which he was born. To cut the knot which calm prudence was puzzled to untie was worthy of the magnificence of his genius. He entered into no subtlety of reasoning, but was aroused by the now apparent spirit of the people. As a pillar of fire, which notwithstanding the darkness of the prospect would conduct to the promised

land, he inflamed, and was followed by, the convention.<sup>1</sup> His eloquence unlocked the secret springs of the human heart, robbed danger of all its terror, and broke the keystone in the arch of royal power."

Thomas Nelson, selected by Mr. Henry to move independence, was one of the richest and, at the same time, was one of the most popular men in the Colony. His family was classed among the aristocracy, and no wiser selection could have been made in looking for a leader who could pledge the wealthy classes to the move for independence.

In addition to the statement of Edmund Randolph, we have some account of what passed in Committee in a letter of Thomas Ludwell Lee to his brother, Richard Henry Lee, written May 18, 1776.<sup>2</sup> The writer encloses a copy of the resolves, and adds: "You have also a set of resolves offered by Colonel M. Smith, but the first, which were proposed the second day by the President—for the debate lasted two days—were preferred. These he had formed from the resolves and preambles of the first day badly put together."

Among the papers of the Convention remaining in the Capitol are found three endorsed by the clerk, "Rough Resolutions. Independence." They are as follows:

*No. 1. In Handwriting of Patrick Henry.*

"As the humble petitions of the continental Congress have been rejected and treated with contempt;

<sup>1</sup> The above extract is from the MS. History of Virginia. The remainder of the quotation is from Randolph's account in his *Eulogy of Edmund Pendleton*.

<sup>2</sup> Printed in *Southern Literary Messenger* for November, 1858, p. 324.

as the parliament of G. B. so far from showing any disposition to redress our grievances, have lately passed an act approving of the ravages that have been committed upon our coasts, and obliging the unhappy men who shall be made captives to bear arms against their families, kindred, friends, and country; and after being plundered themselves, to become accomplices in plundering their brethren, a compulsion not practiced on prisoners of war except among pirates, the outlaws and enemies of human society. As they are not only making every preparation to crush us, which the internal strength of the nation and its alliances with foreign powers afford them, but are using every art to draw the savage Indians upon our frontiers, and are even encouraging insurrection among our slaves, many of whom are now actually in arms against us. And as the King of G. B. by a long series of oppressive acts has proved himself the tyrant instead of the protector of his people. We, the representatives of the colony of Virginia do declare, that we hold ourselves absolved of our allegiance to the crown of G. B. and obliged by the eternal laws of self-preservation to pursue such measures as may conduce to the good and happiness of the united colonies; and as a full declaration of Independency appears to us to be the only honourable means under Heaven of obtaining that happiness, and of restoring us again to a tranquil and prosperous situation;

“*Resolved*, That our delegates in Congress be enjoined in the strongest and most positive manner to exert their ability in procuring an immediate, clear, and full Declaration of Independency.”

*No. 2. In Handwriting of Meriwether Smith.*

“Whereas Lord Dunmore hath assumed a power of suspending by proclamation the laws of this col-

ony, which is supported by a late act of the British Parliament, declaring the colonies in North America to be in actual rebellion and out of the King's protection, confiscating our property where ever found on the water, and legalizing every seizure, robbery and rapine, that their people have heretofore committed on us.

*"Resolved,* That the government of this colony as hitherto exercised under the crown of Great Britain be dissolved, and that a committee be appointed to prepare a Declaration of Rights, and such a Plan of Government, as shall be judged most proper to maintain Peace and Order in this colony, and secure substantial and equal liberty to the people."

*No. 3. Believed to be in the Handwriting of Edmund Pendleton.*

"Whereas the Parliament of Great Britain have usurped unlimited authority to bind the inhabitants of the American Colonies in all cases whatsoever, and the British Ministry have attempted to execute their many tyrannical acts in the most inhuman and cruel manner, and King George the third having withdrawn his protection from the said colonies, and jointly with the ministry and Parliament, has begun and is now pursuing with the utmost violence a barbarous war against the said colonies, in violation of every civil and religious right of the said colonies.

*"Resolved,* That the union that has hitherto subsisted between Great Britain and the American colonies is thereby totally dissolved, and that the inhabitants of this colony are discharged from any allegiance to the crown of Great Britain."

These evidently were the resolutions debated the first day, and the paper in the handwriting of Pat-

rick Henry was the one introduced by Nelson. The three papers differ not only in the grounds assigned for the step about to be taken, but also in the manner of proceeding. All three declare the union between Virginia and Great Britain dissolved, but Mr. Henry's paper proposes that Congress be asked to make for all the Colonies a "clear and full declaration of independency." His great anxiety that the Colonies act as a unit in this all-important matter, and that before the Declaration should be made public a confederation should be effected by Congress, and an ambassador be despatched to France to solicit a treaty with that power, will be seen in his letters to R. H. Lee and John Adams of May 20.<sup>1</sup> The resolution in his handwriting was intended to be the first step in this direction. It can hardly be doubted that Mr. Henry expected the Convention to frame a Government, and the fact that Meriwether Smith's resolution provides for a committee to do this, cannot be taken as an indication that he alone of the three designed such a step. It was the natural consequence of the resolution of independence, and had been recommended by Congress months before.

A comparison of the paper proposed next day by Pendleton and adopted, with that drawn by Mr. Henry, explains why Mr. Henry said of Pendleton's paper in his letter to John Adams, "I put up with it in the present form for the sake of unanimity, 'tis not quite so pointed as I could wish." The letter of Thomas Ludwell Lee just quoted, shows that he too was not entirely satisfied with it. He says: "The preamble is not to be admired in point of

<sup>1</sup> Post, pp. 410 and 412.



composition, nor has the resolve of independency that peremptory and decided air which I could wish. Perhaps the proviso which preserves to this Colony the power of forming its own government may be questionable as to its fitness. Would not a uniform plan of Government prepared for America by Congress, and approved by the Colonies, be a sure foundation of unceasing harmony for the whole?"

The resolutions as adopted in effect declare Virginia independent, without waiting for the action of Congress, by providing for the immediate framing of a separate Government, which was reported and adopted before Congress declared the Colonies independent.

Although the Journal shows a unanimous vote on the adoption of the resolutions by the House, Edmund Randolph records the fact that there was opposition in the Committee. He says:<sup>1</sup>

"The vote was unanimous for independence, except in the instance of Robert Carter Nicholas, who demonstrated his title to popularity by despising it when it demanded a sacrifice of his judgment. He offered himself as a victim to conscience being dubious of the competency of America in so arduous a contest. He alone had fortitude enough to yield to his fears on this awful occasion, although there was reason to believe that he was not singular in the conviction. But immediately after he had absolved his obligation of duty, he declared that he would rise or fall with his country, and proposed a plan for drawing forth all its energies in support of that very independence."<sup>2</sup>

<sup>1</sup> MS. History of Virginia.

<sup>2</sup> Mr. Nicholas had been instructed by a majority of his constituents to vote for Independence, *American Archives* (4th Series), v., 1046.

The passage of the resolutions was hailed with the greatest joy by the soldiery, and by the people of Williamsburg. The British flag was immediately struck on the Capitol, and a Continental flag hoisted in its stead. The troops were drawn out and a discharge of artillery and small arms was had. The *Gazette* of May 17 published the resolutions, and added the following notice of their reception :

“ In consequence of the above resolutions, universally regarded as the only door which will lead to safety and prosperity, some gentlemen made a handsome collection for the purpose of treating the soldiery, who next day were paraded in Waller’s grove, before Brigadier-General Lewis, attended by the gentlemen of the committee of safety, the members of the General Convention, the inhabitants of this city, &c. The resolutions being read aloud to the army, the following toasts were given, each of them accompanied by a discharge of the artillery and small arms, and the acclamations of all present :—

“ 1. The American Independent States.

“ 2. The Grand Congress of the United States and their respective legislatures.

“ 3. General Washington, and victory to the American arms.

“ The Union Flag of the American States waved upon the Capitol during the whole of this ceremony ; which being ended, the soldiers partook of the refreshments prepared for them by the affection of their countrymen, and the evening concluded with illuminations, and other demonstrations of joy ; every one seeming pleased that the domination of Great Britain was now at an end, so wickedly and tyrannically exercised for these twelve or thirteen

years past, notwithstanding our repeated prayers and remonstrances for redress."

Copies of the resolutions, with a circular letter, were sent at once by the Convention to the other Colonies, inviting them to unite in the motion ordered by Virginia. Her action was hailed with joy by the patriots throughout America, and glowing tributes to the patriotism of the Old Dominion were paid in the private correspondence and the public journals of the day.<sup>1</sup> She was the recognized leader in this the last, as in the first, act of the civil revolution.

Colonel Nelson at once started for Philadelphia, bearing the Virginia resolutions to the Congress, of which he was a member. They were presented to that body May 27, 1776.<sup>2</sup>

A majority of the members were already for independence, as had been shown by their resolutions of May 10 and 15, recommending to the Assemblies and Conventions of the Colonies to suppress the exercise of the royal authority, and "adopt such government as shall conduce to the happiness and safety of their constituents;" but they were hampered by the instructions given by some of the Colonies to their delegates forbidding a separation from Great Britain. These had been given during the preceding year, before the great change in public sentiment had taken place. Several of the Colonies, however, had recently given instructions fully authorizing their delegates to take the final step. Thus the instructions given January 18, 1776, to

<sup>1</sup> Frothingham's *Rise of the Republic of the United States*, 511.

<sup>2</sup> *Journal of Congress*.

the delegates from Massachusetts, while not using the word independence, were so drawn as to fully empower a vote for it. The same may be said of the instructions given to the delegates from South Carolina March 25, and from Georgia April 5. On April 12, the delegates from North Carolina had been expressly empowered to vote for independence, and on May 4, the delegates from Rhode Island were similarly instructed, but in terms not so explicit as those used by the Assembly of North Carolina.<sup>1</sup> These all left it discretionary with their delegates, however, as to how they should vote on a motion for independence, a motion it was the distinguished honor of Virginia to order her delegates to make.

On June 7, 1776, Richard Henry Lee moved in Congress, in obedience to the instructions of Virginia, and nearly in the very language of her resolutions :

“That these united colonies are, and of right ought to be, free and independent States, that they are absolved from all allegiance to the British Crown, and that all political connection between them and the State of Great Britain is, and ought to be totally dissolved.

“That it is expedient forthwith to take the most effectual measures for forming foreign alliances.

“That a plan of confederation be prepared and transmitted to the respective colonies for their consideration.”

John Adams seconded the resolutions, and their consideration was postponed till the next day, when

<sup>1</sup> Bancroft, viii., 449, and Journal of Congress.

the members were enjoined to attend punctually at ten o'clock. The 8th and 10th Saturday and Monday, were spent in a memorable debate upon the resolutions, the body sitting as a committee of the whole. They were opposed by James Wilson, Robert R. Livingston, E. Rutledge, John Dickinson, and others, as premature; and supported by John Adams, Richard Henry Lee, George Wythe, and others, as absolutely necessary for the further successful conduct of the war.<sup>1</sup>

"It appearing," says Mr. Jefferson, "in the course of these debates, that the colonies of New York, New Jersey, Pennsylvania, Delaware, Maryland and South Carolina were not yet matured for falling from the parent stem, but they were fast advancing to that state, it was thought most prudent to wait a while for them, and to postpone the final decision to July 1; but that this might occasion as little delay as possible, a committee was appointed to prepare a Declaration of Independence." This committee was appointed June 11, and consisted of Thomas Jefferson, John Adams, Benjamin Franklin, Roger Sherman, and R. R. Livingston.

The chairmanship of this important committee was given of course to the Colony moving the resolution, and the member making the motion was plainly the proper person for that position. Why Mr. Jefferson was made the chairman instead of Colonel Lee has been a disputed question. The biographer of Colonel Lee states that he received intelligence of the illness of his wife on June 10, and left Philadelphia for his home on the next day. But there is a letter written by him to Washington, dated June

<sup>1</sup> See Jefferson's Memoir for a summary of the debate.

13, 1776, at Philadelphia,<sup>1</sup> which states "This day I set off for Virginia," and directs that a certain communication, which he desires, should be addressed to him at Williamsburg. In this letter he makes no mention of the sickness of his wife. It is probable, therefore, that he had determined to leave Philadelphia to take part in the deliberations of the Virginia Convention, and hence did not desire to be placed on the committee to draft the Declaration.

On June 12, committees were appointed "to prepare and digest the form of a Confederation to be entered into between these colonies," and "to prepare a plan of treaties to be proposed to foreign powers."

On July 1, the debate was resumed, and fresh instructions having arrived from several Colonies in the meantime, the resolution for independence was carried in Committee by the votes of New Hampshire, Connecticut, Massachusetts, Rhode Island, New Jersey, Maryland, Virginia, North Carolina, and Georgia; South Carolina and Pennsylvania voting against it, Delaware being divided, and New York asking to be excused, because, although her delegates were for it, their instructions, given near twelve months before, forbade them to vote for it. The Committee thereupon reported the resolution to the House, when, on motion of Edward Rutledge, its consideration was postponed till the next day, in order to enable the delegation from South Carolina to confer among themselves as to what vote they would cast. When the resolution came up on July 2, the vote of South Carolina was cast for it, and new members having arrived for Dela-

<sup>1</sup> American Archives, 4th Series, vi., 834.

ware and Pennsylvania, the votes of these Colonies were changed to the affirmative, and thus every Colony voted for the resolution, except New York, and her Convention, July 9, approved of it.

The formal Declaration of Independence, drawn by Jefferson, had been reported by the Committee June 28, and after a discussion running through three days, was adopted July 4, 1776.

The committee appointed to prepare a plan of Confederation, reported on July 12, articles drawn up by John Dickinson. Instead of being confined for the present "to the general objects of an offensive and defensive nature, and a guaranty of the respective colonial rights," as suggested by Mr. Henry,<sup>1</sup> they were elaborately drawn, involving the difficult questions of commerce, public lands, taxation, the relative positions of the large and small States, and the particulars of a government which could not be settled but after long delay and much debate. It was sixteen months before Congress could agree upon them, and it was February 2, 1781, before the last Colony ratified them.

Steps were taken at once for the formation of treaties, but these also were long deferred.

<sup>1</sup> Letter to John Adams, May 20, 1776.

## CHAPTER XVII.

### VIRGINIA CONVENTION.—CONSTITUTION MAKING.—1776.

Power of Convention to Frame a Constitution.—A Written Constitution Determined on.—Patrick Henry's Views.—Correspondence with John Adams.—Plan of Adams Approved by R. H. Lee and Patrick Henry.—Draft of Bill of Rights by George Mason.—Patrick Henry's Part in Perfecting It.—Analysis of the Bill of Rights.—Sources from Whence Derived.—Important Sections Proposed by Patrick Henry.—He Inserts the Principle of Religious Liberty.—Mason's Plan of a Constitution.—Compared with Adams' Plan, and the Instrument Adopted.—Proposals of Patrick Henry.—Plan of Mr. Jefferson.

THE Virginia Convention was called to meet questions of the gravest importance which immediately arose upon the determination to declare independence. The first presented was as to the power of the Convention to frame a permanent Constitution of Government. Edmund Randolph has left the following statement :<sup>1</sup>

“Mr. Jefferson, who was in Congress, urged a youthful friend<sup>2</sup> in the convention, to oppose a *permanent* constitution, until the people should elect deputies for the special purpose. He denied the power of the body elected (as he conceived them to be agents for the management of the war), to exceed some temporary regimen. The member alluded to communicated the ideas of Mr. Jefferson to some of the leaders in the house, Edmund Pendleton, Patrick Henry, and George Mason. These gentlemen saw no distinction between the conceded power to

<sup>1</sup> In his MS. History of Virginia.    <sup>2</sup> Doubtless Mr. Randolph himself.



declare independence, and its necessary consequence, the fencing of society by the institution of government. Nor were they sure that to be backward in this act of sovereignty might not imply a distrust, whether the rule had been wrested from the King. The attempt to postpone the formation of a constitution, until a commission of greater latitude, and one more specific should be given by the people, was a task too hardy for an inexperienced young man."

Afterward Mr. Jefferson, in his "Notes on Virginia," entered into a labored argument to prove that the Convention was not authorized to adopt a permanent Constitution, and that the one adopted was not in fact permanent, but was liable to be changed by any ordinary legislature which might assemble. Mr. Wythe seems to have entertained the same views from a passage in a letter to Mr. Jefferson, July 27, 1776,<sup>1</sup> in which he says: "The system agreed to, in my opinion, requires reformation. In October I hope you will effect it." These views were based upon a mistaken idea of the powers of the Convention. The sovereignty of the people was represented by the body, else it had no powers to declare independence, the highest act of sovereignty; and representing that sovereignty it was within its powers, and became its duty, to establish a permanent form of government. This view, taken by Mr. Henry and others at the time, was afterward unanimously adopted by the Supreme Court of the State in the case of *Kemper vs. Hawkins*.<sup>2</sup>

Another question to be met on the threshold was the propriety of having a written constitution. The

<sup>1</sup> History of Virginia (Jones & Girardin), vol. iv., page 151, note.

<sup>2</sup> Reported in 1 Virginia Cases, p. 20.

Government of Great Britain had always been conducted under an unwritten constitution, and its admirers claimed this to be one of its excellencies. The Convention determined to try the great experiment of a written constitution as the supreme law of the State, which, emanating from the popular will, and settling the powers of the different departments of government, should serve as a restraint upon the people themselves in the exercise of their sovereignty, and thus give permanency to their political institutions. This marks a new era in the history of government. It is true that in some ancient states written codes of laws were found, which have been denominated constitutions. But they were the work of rulers, and not of the people, and they mingled provisions which were intended to be permanent with others of a temporary nature. And so in America, the attempts to adopt constitutions had been hitherto very crude, and the papers were only intended for temporary use. Indeed, being liable to change by the Legislature, they lacked the feature of permanency.

The framing of a Bill of Rights, to include all of the inalienable rights of the people, and to serve as a foundation for the new government, was an enterprise as difficult as it was novel. That the great task of framing a Bill of Rights and a written Constitution was undertaken, and successfully accomplished, by this Convention, will ever cause it to be remembered by a grateful world.

Another question of great importance was, whether Virginia should form a separate constitution, and leave each State to follow its own inclination as to the form it should adopt; or whether it

would not be best to ask Congress to prepare a uniform plan of government for all the States. This last was evidently the desire of Thomas Ludwell Lee, as appears by his letter to R. H. Lee, of May 18, 1776,<sup>1</sup> in which he criticises the Convention for determining otherwise. It was also the plan recommended in the instructions of Charlotte County. That the plan adopted met with the approval of Mr. Henry, is evident from his letter to John Adams, of May 20, 1776,<sup>2</sup> in which, while objecting to the resolutions for independence as not pointed enough, he makes no objection to them because of the provision for framing a separate government. It is very certain from the letter of Colonel Thomas L. Lee, that the matter was discussed in the Convention, and it may be safely concluded that Mr. Henry, in that discussion, favored the plan adopted. Had the other been recommended and adopted, doubtless the autonomy of the States would not have been long preserved.

It having been determined to frame a written constitution for the State, the all-important question remained as to its character. What form of government should be adopted? This was a question which not only involved the future of Virginia, but of the United States, as the Convention was reminded by letters that Virginia was looked to as their trusted leader, to be followed in this, the crowning act of the Revolution. While the Convention felt the great responsibility resting upon them, they did not fail to appreciate the grand opportunity they enjoyed of selecting the best possible form of government. Other countries had acquired

<sup>1</sup> Southern Literary Messenger for November, 1858.    <sup>2</sup> Post, p. 412.

their forms of government, they hardly knew how. Often these forms had been fixed upon them by accident or force, and had held under their rule citizens who had no choice in selecting them. Now the world was to see a new and wonderful sight. A people discarding their former Government, while in the midst of a bloody Revolution, were calmly to discuss the true principles of all government, and to frame that system which should seem best suited for the promotion of their happiness and prosperity. In this great work no one was more deeply interested, or more active, than Mr. Henry. The Committee appointed on May 15, to prepare a declaration of rights and a plan of government, consisted of Archibald Cary, Meriwether Smith, James Mercer, Henry Lee, Robert Carter Nicholas, Patrick Henry, Bartholomew Dandridge, Edmund Randolph, George Gilmer, Richard Bland, Dudley Digges, Paul Carrington, Thomas Ludwell Lee, William Cabell, Joseph Jones, John Blair, William Fleming, Henry Tazewell, Richard Cary, Cuthbert Bullitt, William Watts, John Bannister, Mann Page, Bolling Starke, David Mason, Richard Adams, Thomas Read, and Thomas Lewis. On the next day James Madison, Robert Rutherford, and Benjamin Watkins were added. The Committee commenced its work at once, and had made some progress in its discussions before George Mason was added to it. He appeared in his seat for the first time on May 17,<sup>1</sup> and was added to the Committee on Saturday, the next day.

The following interesting letters to Richard Henry Lee and John Adams, written the Monday following,

<sup>1</sup> Letter of T. L. Lee to R. H. Lee, May 18, 1776, *Southern Literary Messenger* for September, 1858.

show Mr. Henry's views upon the important subjects engaging him, and his anxiety that the great work of framing a government should be properly conducted.

“WILLIAMSBURG, May 20, 1776.

✓ “DEAR SIR: Your two last favors are with me; and for them both, I give you many thanks. Ere this reaches you, our resolution for separating from Britain will be handed you by Col. Nelson. Your sentiments as to the necessary progress of this great affair correspond with mine. For may not France, ignorant of the great advantages to her commerce we intend to offer, and of the permanency of that separation which is to take place, be allured by the partition you mention? To anticipate therefore the efforts of the enemy by sending instantly American Ambassadors to France, seems to me absolutely necessary. Delay may bring on us total ruin. But is not a confederacy of our states previously necessary? If that could be formed, and its objects for the present be only offensive and defensive, and guaranty respecting Colonial Rights, perhaps dispatch might be had, and the adjustment of Representation, and other lesser matters, be postponed without injury. May not the Fishery be a tempting object? I think from the great French force now in West Indies some person of eminent rank must be there to guide it. The Mississippi should be tho't of. I thank you for the hint of the back lands. I gave an opinion, as a lawyer, to Brent, on the subject of his and Croghan's purchase, and notwithstanding solicitations from every great land company to the West, I've refused to join them. I think a general confiscation of Royal and British property should be made. The Fruits would be great, and the measure in its utmost latitude warranted by the late act of Parliament.

"The grand work of forming a constitution for Virginia is now before the convention, where your love of equal liberty and your skill in public counsels, might so eminently serve the cause of your country. Perhaps I am mistaken, but I fear too great a bias to Aristocracy prevails among the opulent. I own my self a Democrat on the plan of our admired friend, J. Adams, whose pamphlet I read with great pleasure. A performance from Philadelphia is just come here, ushered in, I'm told, by a colleague of yours, B—— and greatly recommended by him. I don't like it. Is the author a whig? One or two expressions in the Book make me ask. I wish to divide you, and have you here, to animate by your manly eloquence the sometimes drooping spirits of our country, and in Congress, to be the ornament of your native Country, and the vigilant determined foe of Tyranny. To give you colleagues of kindred sentiments is my wish. I doubt you have them not at present. A confidential acct of the matter to Col. Tom, desiring him to use it according to his discretion, might greatly serve the public, and vindicate Virginia from suspicions. Vigor, animation, and all the powers of mind and body, must now be summoned and collected together into one grand effort. Moderation, falsely so called, hath nearly brought on us final ruin. And to see those who have so fatally advised us, still guiding, or at least sharing our public counsels, alarms me. Adieu my dear Sir; present me to my much esteemed F.L.L. and believe me,

"Yr. very affect. and obliged,

"P. HENRY, jr.

"Pray drop me a line now and then.

"To COL. R. H. LEE.

"P.S.—Our mutual friend the General will be hampered if <sup>1</sup> not taken. Some Gentry throw

<sup>1</sup> Obliterated.

out alarms that a Cong<sup>1</sup> power has swallowed  
up everything. My all to<sup>1</sup> I know how to feel  
for him."

" WILLIAMSBURG 20<sup>th</sup> May, 1776.

" MY DEAR SIR: Your favor, with the pamphlet, came safe to hand. I am exceedingly obliged to you for it; and I am not without hopes it may produce good here, where there is among most of our opulent families a strong bias to aristocracy. I tell my friends you are the author. Upon that supposition, I have two reasons for liking the book. The sentiments are precisely the same I have long since taken up, and they come recommended by you. Go on, my dear friend, to assail the strongholds of tyranny; and in whatever form oppression may be found, may those talents and that firmness, which have achieved so much for America, be pointed against it.

" Before this reaches you, the resolution for finally separating from Britain will be handed to Congress by Colonel Nelson. I put up with it in the present form for the sake of unanimity. 'Tis not quite so pointed as I could wish.

" Excuse me for telling you of what I think of immense importance; 'tis to anticipate the enemy at the French Court. The half of our Continent offered to France, may induce her to aid our destruction, which she certainly has the power to accomplish. I know the free trade with all the States would be more beneficial to her than any territorial possessions she might acquire. But pressed, allured, as she will be—but, above all, ignorant of the great things we mean to offer, may we not lose her? The consequence is dreadful.

" Excuse me again. The confederacy; that must precede an open declaration of independency and foreign alliances. Would it not be sufficient to

<sup>1</sup> Obliterated.

confine it, for the present, to the objects of offensive and defensive nature, and a guaranty of the respective colonial rights? If a minute arrangement of things is attempted, such as equal representation, &c., &c., you may split and divide; certainly will delay the French alliance, which with me is every thing. The great force in San Domingo, Martinique, &c., is under the guidance of some person in high office. Will not the Mississippi lead your ambassadors thither most safely?

"Our Convention is now employed in the great work of forming a constitution. My most esteemed republican form has many and powerful enemies. A silly thing, published in Philadelphia, by a native of Virginia, has just made its appearance here, strongly recommended, 'tis said, by one of our delegates now with you,—Braxton. His reasonings upon and distinction between private and public virtue, are weak, shallow, and evasive, and the whole performance an affront and disgrace to this country; and, by one expression, I suspect his whiggism.

"Our session will be very long, during which I cannot count upon one coadjutor of talents equal to the task. Would to God you and your Sam Adams were here! It shall be my incessant study, so to form our portrait of government, that a kindred with New England may be discerned in it, and if all your excellencies cannot be preserved, yet I hope to retain so much of the likeness, that posterity shall pronounce us descended from the same stock. I shall think perfection is obtained, if we have your approbation. I am forced to conclude; but first, let me beg to be presented to my ever-esteemed S. Adams. Adieu, my dear sir; may God preserve you, and give you every good thing.

"P. HENRY, JR.

"To JOHN ADAMS Esq.

"P.S.—Will you and S. A. now and then write?"



The reply of Mr. Adams shows his full sympathy with these views, and bears remarkable testimony to Mr. Henry's eminent services in the Revolution. It is as follows:

" PHILADELPHIA, 8, June, 1776.

" MY DEAR SIR: I had this morning the pleasure of yours of 20, May. The little pamphlet you mention is *nullius in filius*; and, if I should be obliged to maintain it, the world will not expect that I should own it. My motive for inclosing it to you, was not the value of the present, but as a token of friendship, and more for the sake of inviting your attention to the subject, than because there was anything in it worthy your perusal. The subject is of infinite moment, and perhaps more than adequate to the abilities of any man in America. I know of none so competent to the task as the author of the first Virginia resolutions against the stamp act, who will have the glory with posterity, of beginning and concluding this great revolution. Happy Virginia, whose Constitution is to be framed by so masterly a builder! Whether the plan of the pamphlet is not too popular, whether the elections are not too frequent for your colony, I know not. The usages, and genius, and manners of the people must be consulted. And if annual elections of the representatives of the people are sacredly preserved, those elections by ballot, and none permitted to be chosen but inhabitants, residents as well as qualified freeholders of the city, county, parish, town, or borough for which they are to serve, three essential prerequisites of a free government, the council, or middle branch of legislature may be triennial, or even septennial, without much inconvenience. I esteem it an honor and a happiness, that my opinion so often coincides with yours. It has ever appeared to me that the natural

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course and order of things was this; for every colony to institute a government; for all the colonies to confederate, and define the limits of the continental Constitution; then to declare the colonies a sovereign state, or a number of confederated sovereign states; and last of all, to form treaties with foreign powers. But I fear we cannot proceed systematically, and that we shall be obliged to declare ourselves independent States before we confederate, and indeed before all the colonies have established their governments.

"It is now pretty clear that all these measures will follow one another in a rapid succession, and it may not perhaps be of much importance which is done first.

"The importance of an immediate application to the French court was clear; and I am very much obliged to you for your hint of the route by the Mississippi. Your intimation that the session of your representative body would be long, gave me great pleasure, because we all look up to Virginia for examples; and in the present perplexities, dangers, and distresses of our country, it is necessary that the supreme councils of the colonies should be almost constantly sitting. Some colonies are not sensible of this; and they will certainly suffer for their indiscretion. Events of such magnitude as those which present themselves now in such quick succession, require constant attention and mature deliberation. The little pamphlet you mention, which was published here as an antidote to the "Thoughts on Government," and which is whispered to have been the joint production of one native of Virginia, and two natives of New York, I know not how truly, will make no fortune in the world. It is too absurd to be considered twice; it is contrived to involve a colony in eternal war.

"The dons, the bashaws, the grandees, the patri-

cians, the sachems, the nabobs, call them by what name you please, sigh, and groan, and fret, and sometimes stamp, and foam, and curse, but all in vain. The decree is gone forth, and it cannot be recalled, that a more equal liberty than has prevailed in other parts of the earth, must be established in America. That exuberance of pride which has produced an insolent domination in a few, a very few, opulent, monopolizing families, will be brought down nearer to the confines of reason and moderation, than they have been used to. This is all the evil which they themselves will endure. It will do them good in this world, and in every other. For pride was not made for man, only as a tormentor.

"I shall ever be happy in receiving your advice by letter, until I can be more completely so in seeing you here in person, which I hope will be soon.

"Yours &c.

"JOHN ADAMS."

" To PATRICK HENRY Esq.

It has been thought strange that Mr. Henry should write on May 20, that he could not count upon one coadjutor equal to the task of framing a constitution, when he had on the committee with him George Mason. But it must be remembered that Colonel Mason had been so recently put upon the committee that in all probability he had not met with it,<sup>1</sup> and that Mr. Henry had never served with him in any body, except for some two weeks in the convention in August, 1775, when no questions were discussed calculated to draw out his abilities as a statesman; and besides, Colonel Mason won his great reputation after the date of Mr. Henry's letter, and mainly by his services in this

<sup>1</sup> He was added to the Committee on Saturday, and this letter was probably written early on Monday.

Convention. That Mr. Henry had already a high appreciation of him is shown by his urging him as delegate to Congress in August, 1775, and in after-life he rated him as one of the greatest of statesmen.

The pamphlets referred to in the preceding letters throw a strong light upon the labors of the Convention, as they show the different plans of government before it.

The publication of Mr. Adams declares that form of government to be the best, which communicates ease, comfort, security, or in one word, happiness, to the greatest number of persons, and in the highest degree; that the happiness and dignity of mankind consist in virtue; that while fear is the foundation of monarchy, and honor of aristocracy, virtue is the foundation of republican government; and as the definition of a republic is "an empire of laws, and not of men," that form is best which secures an impartial and exact execution of the laws. It then suggests the following plan of a democratic republic:

"1. A House of Representatives to be chosen annually by the people, and in such a manner as to represent all their interests.

"A council, or senate, to be annually elected by the lower House, and to have a negative voice in legislation. In his letter to Mr. Henry Mr. Adams suggested that their terms might be three or seven years.

"2. A governor, to be an integral part of the Legislature, to be elected annually by the two Houses on joint ballot, to have a privy council,<sup>1</sup> with whose

<sup>1</sup> In Mr. Adams's pamphlet the Senate was to constitute the Governor's Council, but R. H. Lee, in his letter of April 20, 1776, says that Mr. Adams agreed they should be distinct.

consent he shall act, to have the veto and pardoning powers, and to be commander-in-chief of the forces. If experience showed it to be preferable, he might be elected by the people, and for a longer term, and after serving for a certain time he might be ineligible for a fixed period.

"3. Judges, to be appointed by the Governor, with the advice and consent of the upper House, or by joint or concurrent ballot of both Houses. Their terms should be for life, or good behavior, and their salaries fixed by law. The judicial power to be distinct from, and independent of, both the Executive and legislative, but the judges to be liable to impeachment by the House of Representatives before the Governor and Senate; and upon conviction to be removed from office, and otherwise punished.

"4. Lieutenant Governor, Secretary, Treasurer, Commissary, & Attorney-General, to be chosen as was suggested in the case of the Governor.

"5. Justices, and all other officers, civil and military, to be chosen as was suggested in the case of Judges.

"6. Except sheriffs, registers of deeds, & clerks of courts, which should be chosen by the freeholders of counties."

The writer urges that the militia be armed and trained, and the counties and towns be provided with the munitions and equipments of war, and laws be enacted for the liberal education of youth, especially of the lower class, and for the promotion of frugality among the people.

Colonel Lee in enclosing the Adams pamphlet to Mr. Henry, in his letter of April 20, 1776, sent also a copy of a handbill, presenting a scheme of government drawn by himself. It would appear by his letter that he thought the council of the gov-

ernor should be distinct from the upper House, that the term of the upper House should be longer than one year, and that sheriffs should be appointed as formerly in Virginia, that is, by the Governor, or be elected by the freeholders of the counties. In other respects he intimates no difference from the Adams plan. In the *Virginia Gazette* of May 10, 1776, there appeared a publication which was either the scheme of R. H. Lee, or was drawn by some one who had read it and Mr. Adams's paper. The provisions are strikingly like those of the latter, and those concerning the impeachment of Judges are similar in phraseology. As Mr. Henry had previously received the letter of R. H. Lee, it is highly probable that he inserted the publication in the *Gazette*. It is so nearly the plan of Mr. Adams, as modified by the suggestions of Colonel Lee, that if it was not Colonel Lee's paper it was doubtless drawn by Mr. Henry from the two papers. It is as follows:

“A Government Scheme.

“1. Let the people choose, as usual (where there is no good objection) a representative body. Let the representatives choose, by ballot, 24 men for an Upper House, for seven years.

“2. Let the two Houses, by joint ballot, choose a governour for one year. Let this be the legislative power.

“Let the Governour's Council, or Council of State, consist of 12 men, to be promiscuously chosen from both the Middle and Lower Houses, by joint ballot of both Houses annually.

“3. Let the Colony Judges be chosen by joint ballot of both Houses, to continue during good behaviour, with fixed, adequate, but not splendid salaries.

"If accused of misbehaviour by the representatives of the people, before the Governour and Upper House, they should have an opportunity of defending themselves. If the charge is supported, and they found guilty, they should be dismissed from the offices, and subject to such other pains, penalties, and disabilities as shall be thought proper; and these ought to be severe, as the well-being of the community depends so eminently on judicial integrity.

"4. Lieutenant-Governour, Secretary, Commissary, Attorney, and Solicitor-General, to be chosen septennially, by joint ballot of the Middle and Lower Houses.

"5. Treasurer to be chosen annually, by joint ballot of Middle and Lower Houses.

"6. Justices of the Peace and Sheriffs to be appointed by the Governour, by and with the consent of a majority of the Council of State. Coroners and Constables as usual, if no good objection.

"7. The Governour with advice of his Council of State, to possess the executive powers of government, and to have the appointment of Militia Officers, and government of the Militia, under the laws for regulating the Militia."

The address<sup>1</sup> signed "A Native," and recommended by Carter Braxton, while admitting that the object of government should be to secure the happiness of every member of society, denies that it is practicable to base a government on public virtue. It attempts to distinguish public from private virtue, and denies the former to the mass of the people. The British constitution of 1689 is eulogized, and the closest approximation to it is urged. Democratic governments are pronounced inimical to ele-

<sup>1</sup> See American Archives, 4th Series, vi., 748, etc.

gance and refinement, to manufactures, arts, and sciences, and to the accumulation of wealth. It recommends the following plan of an aristocratic republic :

“ 1. A House of Representatives, to be chosen by the people every three years. This body to choose out of the colony at large twenty-four persons to constitute a council of state, or senate, who are to hold their places for life, and to constitute a distinct and intermediate branch of the Legislature. No member of either House to be eligible to any post of profit, except that of treasurer.

“ 2. A Governor, to be elected by the Assembly, to continue in office during good behaviour, and to be impeachable by the two Houses. A privy council of seven to advise with him, who are not to be members of either House.

“ 3. Judges, to be appointed by the Governor with the advice of his privy council, to hold office during good behaviour, and to be excluded from a seat in either House.

“ 4. A Treasurer, Secretary and other great officers of state, to be chosen by the Lower House, and proper salaries to be assigned to them, as well as to the judges.

“ 5. Military, and other inferior civil officers, to be appointed by the Governor.

“ 6. Courts to appoint their own clerks, and the justices of the peace to receive pay for their services, and to be required to meet every three months for the dispatch of business.”

It appears from Mr. Henry's letters that his favorite democratic scheme had “many and powerful enemies” at first. Colonel Mason seems to have declared himself for it, however, upon taking his



seat, and the ablest men in the Convention united with Mr. Henry in urging it. This appears from the letter of John Augustine Washington to R. H. Lee, dated May 18, 1776. He says: "I hope the great business of forming a well regulated Government will go on well, as I think there will be no great difference of opinion among our best speakers, Henry, Mason, Mercer, Dandridge, Smith, and I am apt to think the president will concur with them in sentiment."<sup>1</sup>

The struggle in the select committee seems to have resulted, soon after Mr. Henry wrote the foregoing letters, in a victory for a democratic over an aristocratic plan, and the work of framing a Bill of Rights, suited to a democratic Republic, was entered upon at once. George Mason soon came forward with a draft which has justly entitled him to be enrolled among the great statesmen of the world. The importance of this paper, which, after some amendments, was adopted by the Convention and became the basis of civil government in America, gives an interest to all that remains to us touching its passage through the body.

Edmund Randolph says:<sup>2</sup> "Many projects of a bill of Rights and Constitution, discovered the ardor for political notice, rather than a ripeness in political wisdom. That proposed by George Mason swallowed up all the rest, by fixing the grounds and plan which after great discussion and correction were finally ratified." It would seem from this passage that Colonel Mason's draft was brought forward after others had been presented, and that

<sup>1</sup> See *Southern Literary Messenger* for November, 1858, p. 330.

<sup>2</sup> *MS. History of Virginia.*

it embodied their best features. Happily we have a copy of his original draft, in his own handwriting, given by him to his son, General John Mason, and now the property of the State. There is also preserved among the papers held by his descendants, a copy, partly in his own handwriting and partly in the handwriting of Thomas Ludwell Lee, of the paper after it had undergone some amendments in the select committee, but before it was reported. This is probably the copy sent to R. H. Lee by his brother, and referred to in his letter of June 1, 1776.<sup>1</sup> The select committee reported a draft on May 27, which was referred to a Committee of the Whole, and ordered to be printed for the perusal of the members. A copy of this paper was preserved by James Madison, and found among his papers.<sup>2</sup>

On June 10, the Committee of the Whole reported to the House that they had gone through the consideration of the paper laid before them, and made several amendments. These were agreed to the next day, and on June 12, the paper so amended was put upon its passage and agreed to *nem. con.*<sup>3</sup>

Magna Charta either granted or secured very important liberties and privileges to the clergy, barons, and freemen of England, but as to the most numerous part of the population, styled "villeins or rustics," it only provided that they "shall not by any fine, be bereaved of their carts, ploughs, and implements of husbandry." The Bill of Rights of

<sup>1</sup> See Southern Literary Messenger for November, 1858, p. 325. I am indebted to Miss K. M. Rowland for a copy of this paper.

<sup>2</sup> This and the original draft will be found in Rives's Madison, i., Appendix B.

<sup>3</sup> See Appendix III.

1689, upon the accession of William and Mary, was the most complete statement of the principles of government ever attempted. This was written by the great Lord Somers, and it embodied the Petition of Right of 1628, written by Sir Edward Coke. The Virginia Bill of Rights contained all that was of value in these celebrated papers, and much more, and as a summary of the rights of man, and of the principles of free government, stands, and is destined to stand, without a rival in the annals of governments.

Each section of this remarkable paper excites our profoundest interest.

The first declares the equal right of all men, by nature, to freedom and independence. This great truth is the essence of democracy, and constituted the foundation upon which the entire system rested. If we inquire the source from which it was derived, we find it in Christianity. This alone teaches the absolute, exclusive, sovereignty of God, and the common origin and brotherhood of man. From it we learn that God is no respecter of persons, but looks upon each individual as entitled to the same rights, and enforces this equality by his command to every man, "Thou shalt love thy neighbor as thyself."

The fact that this declaration would determine the character of the new government was at once recognized, and the advocates of an aristocratic system stoutly resisted it in committee.

Thomas Ludwell Lee, writing to his brother R. H. Lee, June 1, 1776, says:<sup>1</sup>

"I enclosed you by last post a copy of our declaration of rights nearly as it came through Commit-

<sup>1</sup> Southern Literary Messenger for November, 1858, p. 325.

tee. It has since been reported to the Convention, and we have ever since been stumbling at the threshold. In short, we find such difficulty in laying the foundation stone, that I very much fear for that Temple to Liberty which was proposed to be erected thereon. But laying aside figure, I will tell you plainly that a certain set of Aristocrats—for we have such monsters here—finding that their execrable system cannot be reared on such foundations, have to this time kept us at bay on the first line, which declares all men to be born free and independent. A number of absurd or unmeaning alterations have been proposed. The words as they stand are approved by a very great majority, yet by a thousand masterly fetches and stratagems the business has been so delayed, that the first clause stands yet unassented to by the Convention.”

Edmund Randolph makes the following note upon the section.<sup>1</sup>

“The declaration in the first article of the bill of rights, that all men are by nature equally free and independent, was opposed by Robert Carter Nicholas, as being the forerunner or pretext of civil convulsion. It was answered, perhaps with too great indifference to futurity, and not without inconsistency, that with arms in our hands, asserting the general rights of man, we ought not to be too nice and too much restricted in the delineation of them; but that slaves, not being constituent members of society, could never pretend to any benefit from such a maxim.”

The Convention were determined to build upon this broad foundation, but drew back from the con-

<sup>1</sup> MS. History of Virginia.

clusion that slaves could claim the civil rights it insured, classing them with infants and imbeciles. Within less than a century, however, the logic of events has applied the maxim to citizens of all races in the United States.

The first section also declares that men have an inalienable right to enjoy life, liberty, property, and happiness. This great democratic principle is also the gift of Christianity. The essential rights of man grow out of his nature, capacities, relations, duties, and destiny. It is from the teachings of Christianity as to these that we derive a just conception of his inalienable rights.

The second section, which is a corollary of the first, declares all power to be vested in, and derived from, the people; and that magistrates are but their servants. This places the pyramid of civil power on its true basis, the people. The world had long been accustomed to see governments resting on the false and narrow principle that all power was derived from the rulers, and that the people were only their servants. Now the reverse was declared to be the true principle underlying government.

The third section declares, that government should be for the common weal, that form being best which most conduces to this, and is most effectually secured against maladministration; and the right of the majority to control, and to change any form found to be inadequate. This is also a corollary of the first section. The rule that the majority must govern, is but an application to politics of the great principle of physics, that the greater force controls the motion of the body. These sections proclaim the great political maxim that government should

be by the people, through the people, and for the people, and justify the American Revolution.

The fourth section explodes the idea of an inheritance in office, and places the right to fill it on its true basis, merit.

The fifth section separates the legislative and executive from the judicial department, and requires the members of the two first to be reduced to private stations at fixed periods. This was a radical change of the system which had prevailed in the Colony, where the Governor and his Council were a most important part of the judiciary, and held office for life. As the purity and independence of the judiciary are of vital importance in any system of good government, so these can never be so well preserved as by the complete separation of this from the other departments of government. Experience has demonstrated the wisdom of the separation. The limitation of the terms of the legislative and executive departments to fixed periods, as a means of preserving the control of the people over their servants, is not only a wise provision, but the only conceivable way of securing the responsibility of the incumbents. The principles of this section were distinctly set forth in the pamphlet of John Adams, of which mention has been made.

The sixth section guarantees freedom of elections, and in this copies the Bill of Rights, but it goes further in extending the right of suffrage to all having a permanent common interest in the community, a great advance upon British suffrage. It also embodies the principle that no law is binding upon the people which has not been assented to by them through their chosen representatives, which

was so distinctly set forth in Mr. Henry's resolutions against the Stamp Act in 1765, and which was the principle upon which the Revolution was being fought.

The seventh section, which declares that the power of suspending laws should only be exercised by that body to which is entrusted the power of making laws, embodies a principle found in the Bill of Rights, and is essential to the proper administration of representative government.

The eighth section secures to every man the right to a speedy and impartial trial before a jury, in all criminal prosecutions, and provides that he shall not be deprived of his liberty except by the law of the land, or the judgment of his peers. This was a right secured in the British constitution.

The ninth section, which prohibits excessive bail and fines, and cruel and unusual punishments, was also borrowed from the Bill of Rights.

The tenth section, which prohibits general warrants, was dictated, according to Edmund Randolph, by the remembrance of the seizure of Wilkes's papers under a warrant from the Secretary of State; but the experience of the Colonies themselves, and the eloquent protest of James Otis, in November, 1761, were sufficient to account for the section, without looking across the ocean for a reason.

The eleventh section recommends the trial by jury as the best mode of settling civil suits, and shows the attachment of Virginians to the methods of English jurisprudence.

The twelfth section, securing the freedom of the press, was inserted on the motion of Thomas Ludwell Lee, and is one of the most important in the

paper. It is said that Cecil, Elizabeth's celebrated minister, after mature deliberation, established the first newspaper in England, for the purpose of correcting false reports, and uniting the people in their resistance to the Spanish Armada. The new power thus called into existence has been used for the protection of the rights of the people against the invasion of their own government. Nothing has contributed more toward the great changes which have since taken place in favor of civil liberty. The press is, in fact, a component part of the machinery of free government, and that it should be free seems self-evident. The sovereignty of the people having been established, the freedom of the press follows as a necessary consequence.

The thirteenth, declaring a trained militia to be the proper defence of a free state, that standing armies in times of peace are dangerous to liberty, and that the military should be in subordination to the civil power, is a decided improvement on the provision in the English Bill of Rights, prohibiting standing armies in times of peace, without the consent of Parliament. These last two sections were the fruits of genuine democracy and of historical experience.

The fourteenth, prohibiting the erection of a separate or independent government within the bounds of Virginia, proceeded, according to Edmund Randolph, "partly from local circumstances, when the chartered boundaries of Virginia were abridged by royal fiat in favor of Lord Baltimore and Lord Fairfax, much to the discontent of the people; and partly from recent commotions in the West."



Mr. Randolph has the following notice of the remaining sections :

“The fifteenth, recommending an adherence and frequent recurrence to fundamental principles, and the sixteenth, unfettering the exercise of religion, were proposed by Mr. Henry. The latter, coming from a gentleman who was supposed to be a dissenter, caused an appeal to him, whether it was designed as a prelude to an attack on the established church, and he disclaimed such an object.”

The fifteenth bases free government upon the foundation suggested by John Adams in his pamphlet, “the noblest principles and most generous affections in our nature.” They all may be considered as embraced in the word “virtue,” and this may be taken as the necessary foundation of republican government, without which, as the section declares, it cannot exist. No thought was more deeply impressed upon Mr. Henry than this. It was the key to his political life, and he emphasized it by his latest act, in the endorsement he left upon the copy of his resolutions against the Stamp Act found with his will.<sup>1</sup> The necessity of a frequent recurrence to fundamental principles, set forth in this section, is a conception which attests Mr. Henry’s wisdom.

The sixteenth, as found in the draft proposed by George Mason, and adopted by the Committee of the Whole, is in these words, doubtless as drawn by Mr. Henry :

“That religion, or the duty we owe to our Creator, and the manner of discharging it, can be directed

<sup>1</sup> Ante, 81-2.

only by reason and conviction, and not by force or violence ; and therefore, that all men should enjoy the fullest toleration in the exercise of religion, according to the dictates of conscience, unpunished and unrestrained by the magistrate, unless under the color of religion any man disturb the peace, the happiness, or the safety of society ; and that it is the mutual duty of all to practice Christian forbearance, love, and charity towards each other."

This statement of the rights of conscience is in almost the same words used by the Independents in the celebrated Westminster Assembly of Divines, and the word "toleration" was of course used in its most liberal sense, implying the non-interference of the State with the Church.

After the section had received the approval of the body in Committee of the Whole, Mr. Madison moved in the House to substitute the following in its stead :

"That religion, or the duty we owe to our Creator, and the manner of discharging it, being under the direction of reason and conviction only, not of violence or compulsion, all men are equally entitled to the full and free exercise of it according to the dictates of conscience, and therefore that no man or class of men ought, on account of religion, to be invested with peculiar emoluments or privileges, nor subjected to any penalties or disabilities, unless, under color of religion, the preservation of equal liberty and the existence of the State be manifestly endangered."

The intention of the mover, as he tells us,<sup>1</sup> was "to substitute for the idea expressed by the term

<sup>1</sup> Works of Madison, i., 24. Note.

‘toleration,’ an absolute and equal right in all to the exercise of religion according to the dictates of conscience.” It was a proper amendment, as the term “toleration,” strictly speaking, implies a power in the civil government inconsistent with religious liberty.

As finally adopted, the statement of the principle is in the words of the first draft, while the deductions therefrom, following the word “therefore,” are more broadly expressed, and the word “toleration” is omitted. That the section as adopted was a more exact expression of what was intended by the body in the draft first adopted, is manifest from the fact that the paper as amended was adopted by a unanimous vote. The full force of the principle thus announced was not at once apprehended by the Convention, as appears from their subsequent history, but it was finally developed by the legislation of the State into an absolute divorce of Church and State, which was expressly based upon the principle inserted by Mr. Henry. It has been subsequently engrafted upon every State constitution, and upon the Federal constitution as well, the latter through the exertions of Mr. Henry, as will be seen. The great principle thus established is now considered “the chief cornerstone of the American system of government.”<sup>1</sup> It is not only so, but it is so peculiarly American, that it is justly described as the contribution of America to the science of government.

Freedom of religion from constraint by the civil

<sup>1</sup> See letter of Mr. Bayard, Secretary of State, to the Austrian Minister at Washington, dated May 18, 1885, rebuking the Austrian Government for refusing to receive Minister Kelley because his wife was a Jewess, in which this statement is made.

power, though taught by the Divine Author of Christianity, was not enjoyed by his followers. Neither Jew nor Gentile ever admitted the principle, and both engaged in bloody persecutions of the Christians. For three hundred years persecutions raged, threatening to exterminate Christianity. In the fourth century the Roman Emperor embraced the faith his predecessors had vainly endeavored to destroy. Thereafter an alliance of Church and State debased Christianity, and Christians became the persecutors. The Reformation in the sixteenth century, while attempting to purify the Church, did not attack this source of its corruption, but rather endeavored to entrench it. There is not a confession of faith framed by any of the Reformers, which does not give to the civil magistrate coercive powers in religion. It was the interference of civil governments in Europe with the consciences of men which, more than all else, peopled America. Yet so fixed in the minds of men was the use of force to control conscience, that the dissenters who fled to America for an asylum from persecution, were themselves prone to allow no dissent from their religious views, when they found themselves in power. The most liberal colonies were those founded by Lord Baltimore, William Penn, and Roger Williams. Baltimore only professed to make "free soil for Christianity."<sup>1</sup> Penn only tolerated those who believed in "one almighty and eternal God, the Creator, Upholder, and Ruler of the World," and denied the right to hold office to all except Christians.<sup>2</sup> Williams's charter was expressly to propagate Christianity, and under it

<sup>1</sup> Narrative and Critical History of America, iii. 523. <sup>2</sup> Laws of 1682.

a law was enacted excluding all except Christians from the rights of citizenship, and including in the exclusion Roman Catholics.<sup>1</sup>

At the date of the Virginia Bill of Rights, although more than one sect had claimed religious freedom, and an absolute divorce of Church and State, no civil government had ever allowed the claim. Virginia led the way in incorporating into the very foundation of her government the principle upon which religious liberty is based, and in doing so completed the great reformation commenced in the sixteenth century.

When we remember that a large number, probably a majority, of the Convention were members of the established church, we may well be surprised that they consented to this section. But it should be remembered, that the discussions of human rights which the period had produced had caused a great enlargement of views, in all classes, on the subject of religious as well as civil rights, and the growth of dissent in the Colony had become so great, that religious liberty could not be withheld when demanded by such a leader of the people as Patrick Henry. He seemed, as it were by intuition, to know when the popular mind was ready for every political movement, and he never made a mistake as to the proper time to take a step in advance. The adoption of this principle as the chief corner-stone of American government, and its subsequent progress in other portions of the world, indicating that it is destined to become all-prevailing as Christian civilization advances, with the inestimable blessings which flow from it, make Mr. Henry's act in causing its inser-

<sup>1</sup> *Narrative and Critical History of America*, iii., 379.

tion in the Virginia Bill of Rights the most important of his life. If it had been the only act of his public life, it was sufficient to have enrolled his name among the greatest benefactors of the race.

An article is found in the paper reported by the select committee, in these words:

“That laws having retrospect to crimes and punishing offences committed before the existence of such laws, are generally oppressive, and ought to be avoided.”

This was proposed by Thomas Ludwell Lee, as appears from his letter to his brother, but it, or an article substituted for it, was defeated by Mr. Henry, as we learn from Edmund Randolph. He says: “An article prohibiting bills of attainder was defeated by Henry, who, with a terrifying picture of some towering public offender, against whom ordinary laws would be impotent, saved that dread power from being expressly proscribed.”<sup>1</sup>

Thus was completed the Virginia Bill of Rights, which stands as an epitome of all history relating to the struggles of the human race for civil and religious liberty, and a prophecy of the future of free government. It is the matrix in which American governments have been shaped, and as long as they last they will bear testimony to the wondrous wisdom of its framers.

The Bill of Rights having been adopted June 12, the Select Committee applied itself to the task of framing a Constitution in accordance with its principles. The same master-hand that had made the first draft of the Bill of Rights, made the first

<sup>1</sup> MS. History of Virginia.

draft of the Constitution.<sup>1</sup> The plan presented by Colonel Mason was ordered to be printed by the Committee, in order that it might be read by the Convention. A copy was preserved by Mr. Madison, and is found in his works.<sup>2</sup> On comparison with the plan previously published in the *Gazette*, and with the Constitution as adopted, it shows some differences which are of importance; but it is apparent that the plan of Mason was framed upon the plan published in the *Gazette*, whose resemblance to the views of John Adams has been noted, and that the Constitution was framed upon the plan presented by Colonel Mason, following more closely, however, the published plan in some important particulars.

The following may be noted as the most important differences in these papers :

In Colonel Mason's plan the right of suffrage in choosing the Lower House of the Legislature was confined to freeholders, having estates of inheritance of at least one thousand pounds, and upward of twenty-four years of age, with a provision that it might be extended to holders of leases of seven years, and householders having been the fathers of three children. In the published plan the right of suffrage for this body was "as usual" in the Colony. This was confined to freeholders of fifty acres of unimproved land, or twenty-five acres of land on which there was a settlement, or of an improved lot in a town.

By the Constitution adopted the right of suffrage remained as then exercised. Thus the change pro-


<sup>1</sup> This is stated by Edmund Randolph in his MS. History of Virginia.

<sup>2</sup> Vol. i., p. 24.

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posed by Colonel Mason was disapproved, but the Convention, in this great experiment of republican government, determined to trust their destinies with the men who had an interest in the soil, which in their judgment was alone "sufficient evidence of permanent common interest with, and attachment to, the community."

In Colonel Mason's plan the Upper House, or Senate, was to consist of twenty-four members, who were to be elected by an intermediate body to be chosen by the people, and to be divided into four classes, one of which was to go out of office at the end of each year. By the published plan, the Senate was to consist of twenty-four members, to be chosen by the Lower House. The Constitution retained the number twenty-four and the rotation by classes, but required their election to be directly by the people, and at the same time that the Lower House was voted for, and for this purpose directed the State to be divided into twenty-four election districts. The mode of selecting the Senate was a question of great difficulty. That body was no longer to represent distinct classes in the community, as did the House of Lords; nor a distinct authority, as did the Colonial Council; but it was to be a representative of the people, and at the same time a conservative force in legislation, and a check upon improper action in the Lower House. The Convention determined to have the Senate directly elected by the people, and to trust to the longer term and the rotation, which would insure a majority of experienced members, for the conservatism desired. Colonel Mason's suggestion that all bills should originate in the Lower House, and money bills should not be





liable to amendment in the Senate, was adopted. This was not in the published plan.

By Colonel Mason's plan, the election of Governor was to be annually by joint ballot of the two houses of the legislature. This was in accordance with the published plan, and was adopted by the Convention. But both Colonel Mason's plan and the Constitution gave the Executive no voice in the enactment of laws, and in this were different from the published plan. Edmund Randolph states<sup>1</sup> that Mr. Henry urged the Convention to vest in the Executive the veto power. The passage from Mr. Randolph is as follows :

"After creating the office of governor, the Convention gave way to their horror of a powerful chief magistrate, without waiting to reflect how much stronger a governor might be made for the benefit of the people, and yet be held with a republican bridle. These were not times of terror, indeed, but every hint of power, which might be stigmatized as being of royal origin, obscured for a time a part of that patriotic splendor with which the movers had before shone. No member but Henry could, with impunity to his popularity, have contended as strenuously as he did for an executive veto on the acts of the two houses of legislation. Those who knew him to be indolent in literary investigations, were astonished at the manner in which he exhausted the topic, unaided as he was believed to be by any of the treatises on government, except Montesquieu. Among other arguments, he averred that a governor would be a mere phantom, unable to defend his office from the usurpation of the legislature, unless he could interpose on a vehement impulse or ferment in that body, and that he would

<sup>1</sup> MS. History of Virginia.

otherwise be ultimately a dependent, instead of a co-ordinate, branch of power."

The profound knowledge of the true principles of government displayed by Mr. Henry in each constitutional Convention in which he sat, shows not only much more extensive reading than he has been credited with, but that accurate thought and thoroughly poised judgment which constituted him a statesman of the highest order. The revulsion which had seized the people and the Convention against kingly prerogatives, did not affect his clear judgment as to the proper powers to be entrusted to the Executive, and the experience of America has since demonstrated his wisdom. Not only is the veto power vested in the President by the Federal Constitution, but very few of the States of the Union now withhold this power from the Executive.

The Governor's Council, both in Colonel Mason's plan and in the Constitution, was to consist of eight members, to be elected by joint ballot of both Houses of the Assembly, two members to go out of office at the end of every three years. By the published plan the number was fixed at twelve, to be annually chosen by joint ballot of the two Houses from among themselves.

By Colonel Mason's plan the two Houses were to appoint by joint ballot the judges and attorney-general, to serve during good behavior, and the treasurer to serve for a term of one year. The Constitution made similar provisions, including in the officers to be elected by the legislature, to serve during good behavior, a secretary. By the published plan the judges and treasurer were to be

electd and to serve as provided in the Constitution, but a lieutenant-governor, secretary, commissary, attorney-general, and solicitor-general were to be elected septennially by joint ballot of the two Houses.

By both plans, and by the Constitution, justices of the peace were to be appointed by the Governor and Privy Council, and thus all seemed agreed to continue that admirable system, which produced a succession of judicial officers for the counties such as were never equalled in any country, and which did so much toward making Virginia a renowned commonwealth.

A provision was inserted in the Constitution, not found in either plan, fixing the boundaries of Virginia by the charters of the neighboring Colonies. But where these charters did not touch the western and northern limits of the State they were claimed as fixed by the charter of Virginia of 1609, and the treaty of 1763 between Great Britain and France.

By the charter of 1609, granted by King James, the limits of Virginia were fixed at two hundred miles northward, and two hundred miles southward, from Point Comfort, along the Atlantic coast, "and all that space and circuit of land lying from the sea-coast of the precinct aforesaid up into the land throughout from sea to sea, west and northwest."

By the treaty of 1763 between England and France, the Mississippi River became the western limit.

In addition to this claim of territory, purchases from the Indians, except on behalf of the public by authority of the Assembly, were prohibited.

If these provisions were not the suggestions of Mr.

Henry, they certainly had his hearty support. His letter of May 20, to Richard Henry Lee, shows that his mind had already grasped the importance to the Union of the western territory and of the Mississippi River, and we shall see him afterward the uncompromising advocate of the sovereign right of the State to her western territory, and of the free navigation of the Mississippi.

What changes were made in Colonel Mason's plan by the Committee we have no means of knowing, as there is no copy of their report in existence. The Journal shows that the Committee reported a plan of government to the Convention on June 24, which was considered in Committee of the Whole on the 26th, 27th and 28th, was reported with amendments on the 28th to the Convention, was then ordered to be transcribed and read a third time, and was unanimously adopted on the 29th. Mr. Jefferson, in a letter to Judge A. B. Woodward, April 3, 1825, states that he sent to Mr. Pendleton a draft of a constitution, which was received on the day on which the Committee of the Whole reported to the Convention, and that owing to the indisposition of the Convention to open questions which had already caused troublesome debates, they could not be induced to consider his suggestions, except that his preamble was prefixed to the paper adopted. A letter of George Wythe to Mr. Jefferson has been preserved, dated Williamsburg, July 27, 1776,<sup>1</sup> in which the following passage occurs:

"When I came here the plan of government had been committed to the whole House. To those who

<sup>1</sup> Girardin's History of Virginia, p. 157, note.

had the chief hand in forming it, the one you put in my hands was shown. Two or three parts of this were with little alteration inserted in that; but such was the impatience of sitting long enough to discuss several important points in which they differ, and so many other matters were necessarily to be despatched before the adjournment, that I was persuaded the revision of a subject the members seemed tired of, would at that time have been unsuccessfully proposed. The system agreed to in my opinion requires reformation. In October I hope you will effect it."

Mr. Jefferson's plan must have been received therefore the day that the Select Committee reported, which was the 24th, and not when the Committee of the Whole reported, which was on the 28th, and at the close of the consideration of the papers. From Mr. Wythe's letter it appears that while in Committee of the Whole two or three of Mr. Jefferson's suggestions were adopted. They doubtless are embraced in the differences noted between Colonel Mason's plan and the paper adopted.

Richard Henry Lee, whose presence in the Convention was so earnestly desired by Mr. Henry, Colonel Mason, and others, did not appear in his seat in all probability before the day on which the Constitution was adopted, as the Journal notices his presence for the first time in an entry of his appointment on a committee on June 29. His aid in the great work was rendered by correspondence.

There can be no doubt that Mr. Henry took an active part in the preparation and discussion of both the Bill of Rights and the Constitution, and that it was due to him, in a great measure, that the

latter so closely resembled the plan of John Adams, which he declared was an expression of his own sentiments. That these papers were approved by him as a whole, though not containing all he may have suggested, appears by his subsequent correspondence, and by the resistance he made to a revision of the Constitution while he continued in public life.

Mr. Jefferson criticised the Constitution with much severity in his "Notes on Virginia," but though not faultless, it remained the fundamental law of the State for fifty-four years, a length of days not accorded to any of its successors, and under its wise provisions the State enjoyed an amount of well-regulated liberty which was without precedent, and has not been surpassed under the changes which have been made.

. Being the first written constitution of an independent State in America, it was taken as a pattern by all the other States, and its influence is also distinctly traced in the Federal Constitution. When we consider the novelty of the experiment, and the times in which it was formed, we cannot but admire the self-control, the calmness, and the wisdom of its framers. Nothing could have demonstrated more clearly their right to be free than this incontestable evidence of their capacity for self-government.

## CHAPTER XVIII.

### GOVERNOR OF VIRGINIA.—FIRST TERM.—1776.

Election of Patrick Henry as Governor.—Letter of Acceptance.—Important Ordinances of the Convention.—Sickness of Governor Henry.—Address of Congratulations to Him by the First and Second Virginia Regiments.—Similar Address by the Baptist Association.—Replies of Governor Henry.—Importance of the Period at which He Entered upon His Office. Evidence of His Great Executive Abilities Afforded by the Journal.—State of the War in Virginia.—Dunmore Driven Away.—Indian War on the Western Border.—Expedition Under Colonel William Christian.—Richard Henderson's Purchase from the Indians.—His Claims to Kentucky.—First Appearance of George Rogers Clark in Kentucky.—His Visit to Governor Henry.—Aid Extended Him for Kentucky.

On the same day that the Constitution was adopted the Convention proceeded to the election of a Governor and Council. For the office of Executive the eyes of the Convention naturally turned toward Mr. Henry, who not only had "set in motion the ball of the revolution," but had given to it a fresh impulse at every critical period of its course.

The remnant of the old aristocracy, represented in the Convention, could not permit his elevation to the highest office in the commonwealth without a determined effort to prevent it, and we find repeated in the feeling of envy displayed what had occurred when Cicero became the foremost man in Rome.<sup>1</sup>

<sup>1</sup> Sallust says of the election of Cicero as consul, "Nam antea pleraque nobilitas invidia æstuabat, et quasi pollui consulatum credebat, si eum, quamvis egregius, homo novus adeptus foret. Sed, ubi periculum advenit, invidia atque superbia postfuere."—"Bellum Catilinarium, xxiii."

Thomas Nelson, the president of the old Council, was nominated against Mr. Henry, and of the contest Edmund Randolph says :<sup>1</sup>

“Nelson had been long secretary of the Colony, and ranked high in the aristocracy, who propagated with zeal the expediency of accommodating ancient prejudices, by electing a man whose pretensions to the chief magistracy were obvious from his being nominally the governor under the old order of things, and out of one hundred and eleven members, forty-five were caught by the desire of bringing all parties together, although Mr. Nelson had not been at all prominent in the revolution. From every period of Henry's life something of a democratic and patriotic cast was collected, so as to accumulate a rate of merit too strong for this last expiring act of aristocracy.”

The vote stood for Patrick Henry, Jr., 60 ; for Thomas Nelson, 45 ; for John Page, 1.

George Mason doubtless placed Mr. Henry in nomination, as he was made chairman of the committee appointed to notify him of his election.

The Convention on the same day elected for the Governor's Council, John Page, Dudley Digges, John Tayloe, John Blair, Benjamin Harrison of Berkeley, Bartholomew Dandridge, Thomas Nelson, and Charles Carter of Shirley. On the next day Thomas Nelson declined “on account of his age and infirmities,” and Benjamin Harrison of Brandon, was afterward elected in his stead. The refusal of President Nelson to serve on the Council, shows either a chagrin at his defeat, and an unwillingness to serve

<sup>1</sup> MS. History of Virginia.



on the Council of Governor Henry, or such an infirm old age as proves the desperation of Mr. Henry's opponents in using him to further their opposition.

Edmund Pendleton was certainly among Mr. Henry's opponents, if not their leader. We learn from Judge Spencer Roane that once in his hearing, after the revolution, Pendleton "justified himself for not offering for the office of Governor in 1776, on the ground that he did not think it became those who pushed on the revolution to get into the first offices, and that on that ground he voted for Secretary Nelson. On which, feeling that the remark was aimed at Mr. Henry, I (Roane) replied, that we should have cut a pretty figure if that office had been given to a man who was no Whig; as Mr. Nelson was said to have been."<sup>1</sup>

Mr. Henry made no effort to secure his election, indeed was so deeply impressed with the responsibilities of the office that he was unwilling even to appear to desire it. He occupied the truly patriotic ground, that the office was neither to be sought nor refused.

On the day of the balloting Mr. Henry was waited on by the committee appointed to notify him of his election, and his reply was communicated to the Convention by George Mason at its next sitting, Monday, July 1. It appears on the Journal as follows:

*"To the Honourable the President and House of Convention.*

"Gentlemen, The vote of this day appointing me governor of the commonwealth, has been noti-

<sup>1</sup> MS. Letter to William Wirt when preparing his *Life of Patrick Henry*.

fied to me in the most polite and obliging manner, by George Mason, Henry Lee, Dudley Digges, John Blair, and Bartholomew Dandridge, esquires.

“A sense of the high and unmerited honor conferred upon me by the convention, fills my heart with gratitude, which I trust my whole life will manifest. I take this earliest opportunity to express my thanks, which I wish to convey to you, gentlemen, in the strongest terms of acknowledgment.

“When I reflect that the tyranny of the British king and parliament hath kindled a formidable war, now raging throughout this wide-extended continent, and in the operations of which this commonwealth must bear so great a part; and that, from the events of this war the lasting happiness or misery of a great proportion of the human species will finally result; that in order to preserve this commonwealth from anarchy, and its attendant ruin, and to give vigour to our councils, and effect to all our measures, government hath been necessarily assumed, and new modelled; that it is exposed to numberless hazards, and perils, in its infantine state; that it can never attain to maturity, or ripen into firmness, unless it is guarded by an affectionate assiduity, and managed by great abilities; I lament my want of talents; I feel my mind filled with anxiety and uneasiness, to find myself so unequal to the duties of that important office, to which I am called by the favor of my fellow citizens at this truly critical conjuncture. The errors of my conduct shall be atoned for, so far as I am able, by unwearied endeavours to secure the freedom and happiness of our common country.

“I shall enter upon the duties of my office, whenever you, gentlemen, shall be pleased to direct; relying upon the known wisdom and virtue of your honorable house to supply my defects, and to give permanency and success to that system of govern-

ment which you have formed, and which is so wisely calculated to secure equal liberty, and advance human happiness.

“I have the honor to be, gentlemen,

“Your most obedient and very humble servant,

“P. HENRY, JUN.”

It is of interest to observe that the final vote upon the question of independence was taken in the Continental Congress on July 2, and that before that date Virginia had declared independence, had formed her Constitution, and had elected her Executive.

The Convention in a few additional ordinances made vigorous preparations for the prosecution of the war. Salt works were provided for in different parts of the State, and Congress was requested to allow exports of provisions in order to procure a further supply from abroad; the ninth regiment raised for the defence of the frontier was increased; and six additional troops of horse were ordered to be raised at once; the entire militia of the State were made liable to be called into service by proper officers upon an invasion or insurrection; a Naval Board was established with powers to build and superintend a navy; a tax of one shilling three pence was imposed upon every tithable person, and of one shilling upon every one hundred acres of land, in the State, and an issue of treasury notes was ordered not to exceed one hundred thousand pounds; the penalty of death, without benefit of clergy, was prescribed for counterfeiting Continental bills of credit, or the paper money of any of the united Colonies, or coin; and the law for the pun-

ishment of the enemies of America in the State, was amended and made more effectual.

The number of delegates to Congress was reduced to five, Benjamin Harrison and Carter Braxton being left out at the election. It can hardly be doubted that Braxton failed of a re-election because of his pamphlet on government, so severely criticised by Mr. Henry; and it may be, as suggested by Girardin, that Harrison was blamed for the appointment of Dr. Rickman instead of Dr. McClurg, as Physician and Director-General to the Continental Hospital in the State. But the most probable explanation is doubtless found in the suggestion of Mr. Henry to R. H. Lee, in his letter of May 20, 1776, that some of the delegation were not in accord with Colonel Lee, and should be left out. Lee and Harrison were unfortunately not in full sympathy in their political views, at least such was the belief at the time.<sup>1</sup>

The Convention felt the necessity of keeping peace along the disputed boundary with Pennsylvania, and proposed a temporary line to be observed till the boundary was properly settled. Petitions were presented from the settlers in Kentucky, then called Transylvania, complaining of the acts of Richard Henderson and others, who claimed a large territory under an alleged purchase from the Cherokee Indians, and a counter-petition was presented by Henderson and his partners. The Convention, in order to settle the rights of all such claimants to her territory, appointed commissioners to take evidence on behalf of the State against the several claimants under Indian purchases, and in the meantime it was ordered

<sup>1</sup> Randall's *Life of Jefferson*, i., ch. iv., 147.

that actual settlers should not be disturbed. A petition was presented June 20, 1776, from sundry Baptists in Prince William County, praying "that they be allowed to worship God in their own way without interruption; that they be permitted to maintain their own ministers, and none others; that they may be married, buried, and the like, without paying the clergy of other denominations." Although this was in every part the logical conclusion from the sixteenth section of the Bill of Rights already adopted, yet no motion appears to have been made to grant the petition, and no action was taken looking toward the dis-establishment of the Episcopal Church. On the contrary the Convention, on July 5, the last day of the session, directed the prayers in the service of that church to be altered, so as to omit all acknowledgment of the authority of the King, and to pray for the Magistrates of the Commonwealth instead; thus plainly showing that they were not disposed to act upon the principle of religious liberty embodied in the Bill of Rights until the general sentiment of the people on the subject could be gathered. Among the last acts of the Convention was the adoption of a seal, with the appropriate device reported by George Mason.<sup>1</sup>

<sup>1</sup> As recorded in the Journal, the device is as follows: "VIRTUS, the genius of the commonwealth, dressed like an Amazon, resting on a spear with one hand, and holding a sword in the other, and treading on TYRANNY, represented by a man prostrate, a crown fallen from his head, a broken chain in his left hand, and a scourge in his right. In the exergon the word VIRGINIA over the head of VIRTUS, and underneath the words, *Sic semper tyrannia*. On the reverse, a group, LIBERTAS with her wand and *pileus*. On one side of her CERES, with *cornucopia* in one hand and an ear of wheat in the other. On the other side ÆTERNITAS, with globe and phoenix. In the exergon these words: *Deus nobis hæc otia fecit*."

The spirit which presided at the birth of the State is seen in the following record found in the proceedings of June 25 :

“ Whereas, gaming at best is but an idle amusement, when carried to excess is the parent of avarice, dissipation, profaneness, and every other passion which can debase the human mind, and is, therefore forbidden by the Continental Association as more peculiarly improper at this time, when our important struggle for liberty and freedom renders the practice of the most rigid virtue necessary to sustain us under and carry us through the conflict; that this pernicious and destructive vice may not prevail among the officers and soldiers of our army, the morals of the youth therein preserved from corruption, and they restored untainted to their worthy parents, who have cheerfully spared them from domestic endearments to the assistance and protection of their country.

“ *Resolved unanimously*, that it be earnestly recommended to the general or commanding officer of the Continental troops in this Colony to take such steps as to him appear most proper for preventing profane swearing, all manner of gaming, as well as every other vice and immorality among officers and soldiers under his command; and that it be, and is hereby declared, to all who are or may be candidates for offices, civil or military, in the pay of this Colony, that the practice of gaming and profane swearing will ever be considered as an exclusion from all public offices or employments.”

On July 5, 1776, the last day of the Convention, Governor Henry took the oath of office prescribed by an ordinance of that day. He left Williams-

burg directly afterward for his home in Hanover, doubtless to arrange his private affairs before entering upon the duties of his office. If not sick when he left the capital, he was taken sick soon after reaching his home, and was confined to his room for some weeks. His convalescence was made known by the following announcement, which appeared in the *Gazette* of August 2: "We have the pleasure to inform the publick that our worthy Governor, who is now at his seat in Hanover, is so much recovered from his late severe indisposition that he walks out daily, and it is hoped will soon be able to return to the seat of government, to attend to the duties of his high and important office." It was not till September 17, however, that he was able to take his seat at the council table, as appears by the *Journal*.

His election was hailed with delight by the patriots not only in his own State, but throughout America, as appeared by letters and addresses sent him. Among the earliest of these was the following cordial address from the two regiments he had so lately commanded :

*"To His Excellency Patrick Henry, Jun., Esq., Governor of the Commonwealth of Virginia:—The humble address of the First and Second Virginia Regiments:—*

"MAY IT PLEASE YOUR EXCELLENCY: Permit us, with sincerest sentiments of respect and joy, to congratulate your Excellency upon your unsolicited promotion to the highest honours a grateful people can bestow.

"Uninfluenced by private ambition, regardless of

sordid interest, you have uniformly pursued the general good of your country ; and have taught the world, that an ingenuous love of the rights of mankind, an inflexible resolution, and a steady perseverance in the practice of every private and public virtue, lead directly to preferment and give the best title to the honours of our uncorrupted and vigorous state.

“Once happy under your military command, we hope for more extensive blessings from your civil administration.

“Intrusted as your Excellency is, in some measure, with the support of a young empire, our hearts are willing, and arms ready to maintain your authority as chief magistrate ; happy that we lived to see the day, when freedom and equal rights, established by the voice of the people, shall prevail through the land. We are, may it please your Excellency, your Excellency’s most devoted and obedient servants.”

To which he returned the following admirable answer :

“GENTLEMEN OF THE FIRST AND SECOND VIRGINIA REGIMENTS : Your address does me the highest honour. Be pleased to accept my most cordial thanks for your favourable and kind sentiments of my principles and conduct. The high appointment to which my fellow-citizens have called me, was indeed, unmerited, unsolicited. I am therefore under increased obligations to promote the safety, dignity, and happiness of the commonwealth.

“While the civil powers are employed in establishing a system of government, liberal, equitable, in every part of which the genius of equal liberty breathes her blessed influence, to you is assigned



the glorious task of saving, by your valour, all that is dear to Mankind. Go on, gentlemen, to finish the great work you have so nobly and successfully begun. Convince the tyrants again, that they shall bleed, that America will bleed to her last drop; ere their wicked schemes find success.

"The remembrance of my former connexion with you shall ever be dear to me. I honour your profession, I revere that patriot virtue, which, in your conduct, hath produced cheerful obedience, exemplary courage, and contempt of hardship and danger. Be assured, gentlemen, I shall feel the highest pleasure in embracing every opportunity to contribute to your happiness and welfare; and I trust the day will come when I shall make one of those that will hail you among the triumphant deliverers of America.

"I have the honour to be gentlemen,  
"Your most obedient and very humble servant,  
"P. HENRY, JR."

The Colonel of the Second Regiment did not unite in the foregoing address, as appears by the following publication in Purdie's *Gazette* of August 9 :

"Mr. Purdie. Let the public know that Colonel Woodford's name was not among the subscribers of the address to the Governour; that it was not presented as containing the sentiments of the colonel, but of the officers and their men, and that the colonel was not consulted on the occasion. This piece of justice is demanded by the colonel, and cheerfully granted by the officers."

Among those who rejoiced in the election of Governor Henry were the Baptists, whom he had

so constantly befriended in the days of their persecutions, now happily at an end. An association of this denomination which met in Louisa sent him the following admirable address :

*"To His Excellency Patrick Henry, Jun., Esq., Governor of the Commonwealth of Virginia.*

"The humble address of the ministers and delegates of the Baptist churches met in Association in Louisa, August 12th, 1776, in behalf of their brethren.

"May it please your excellency, as your advancement to the honorable and important station of Governor of this Commonwealth affords us unspeakable pleasure, we beg leave to present your excellency with our most cordial congratulations. Your public virtues are such that we are under no temptation to flatter you. Virginia has done honor to her judgment in appointing your excellency to hold the reigns of the Government at this truly critical conjuncture, as you have always distinguished yourself by your zeal and activity for her welfare in whatever department has been assigned you. As a religious community, we have nothing to request of you. Your constant attachment to the glorious cause of liberty and the rights of conscience, leaves us no room to doubt of your Excellency's favorable regards, while we worthily demean ourselves.

"May God Almighty continue you long, very long, a public blessing to your native country ; and after a life of usefulness here crown you with immortal felicity in the world to come.

"Signed by order,

"JEREMIAH WALKER, *Moderator.*

"JOHN WILLIAMS, *Clerk.*"

To this Governor Henry made the following happy reply :

*"To the Ministers and Delegates of the Baptist Churches, and to the Members of Communion.*

"GENTLEMEN : I am exceedingly obliged to you for your very kind address, and the favorable sentiments you are pleased to entertain respecting my conduct, and the principles which have directed it. My constant endeavor shall be to guard the rights of all my fellow-citizens from every encroachment.

"I am happy to find a catholic spirit prevailing in our country, and that those religious distinctions, which formerly produced some heats, are now forgotten. Happy must every friend to virtue and America feel himself to perceive, that the only contest among us, at this critical and important period, is who shall be foremost to preserve our religious and civil liberties. My earnest wish is, that Christian charity, forbearance and love may unite all different persuasions as brethren who must perish or triumph together ; and I trust that the time is not far distant when we shall greet each other as peaceable possessors of that just and equal system of liberty adopted by the last Convention, and in support of which may God crown our arms with success.

"I am, gentlemen,

"Your most obedient and very humble servant,

"P. HENRY, JUN.

"Aug. 18<sup>th</sup> 1776."

Among the letters addressed to him, there was one from General Charles Lee, dated July 20, 1776, in the peculiar style of that eccentric man, which contained the following passages :

"I used to regret not being thrown into the world in the glorious third or fourth century of the Ro-

mans, but I am now thoroughly reconciled to my lot. . . . We shall now, most probably, see a mighty empire established of freemen, whose honour, property, and military glories, are not to be at the disposal of a sceptered tyrant, nor their consciences to be fettered by a proud, domineering hierarchy. . . . I most sincerely congratulate you on the noble conduct of your countrymen; and I congratulate your country on having citizens deserving of the high honor to which you are exalted; for the being elected to the first magistracy of a free people is certainly the pinnacle of human glory; and I am persuaded that they could not have made a happier choice."

He then proceeded to object to the provision of the Constitution, which allows the Governor to be eligible for three successive terms, and to the custom of addressing officers by such titles as "Excellency," "Honour," and the like.

Public opinion was not ready, however, for the abolition of official titles, and as to the office of Governor, the people were not willing that it should be less honored in a republican state than in a royal colony. The Convention fixed the Governor's salary at one thousand pounds per annum, the sum received by his predecessors, and ordered that a thousand pounds be expended in furnishing the palace for his residence. In deference to this state of public sentiment, and as if in rebuke of that aristocratic coterie which had pronounced him too plain for the office, Governor Henry, while retaining his simplicity and affability of manner, now assumed a dignity of demeanor which commanded the admiration of all. He could no longer be remarked on for his plainness in dress. He seldom appeared on the

streets of Williamsburg, and never without a scarlet cloak, black clothes, and a dressed wig.<sup>1</sup>

Governor Henry was called to the office of Executive of his State at the most important and critical period possible in her history. With a population of about four hundred thousand,<sup>2</sup> nearly one-half slaves, she was entering upon her existence as a sovereign State, under an untried form of government, in the midst of a terrible struggle for separate existence with one of the strongest of earthly powers; with powerful tribes of hostile Indians occupying her northwestern and western territory, a large portion of which was claimed by land companies under Indian sales; with a disputed boundary with Pennsylvania which threatened a border war; without a trained army, or what could be dignified by the name of a navy; and withal lacking in munitions of war. The position required executive talents of the highest order, and, fortunately for his country, Governor Henry proved to be more than equal to the occasion.

The Executive Journal<sup>3</sup> furnishes the fullest evidence of his industry, his great executive capacity, and his ardent zeal in the cause of the Revolution. It is rich in material for history, but only some of his most important acts can be narrated here. From these the reader will be able to have an appreciation of him as a war governor.

<sup>1</sup> MS. Letter of Judge Roane to Mr. Wirt. Judge Roane says he had been "accused by the big wigs of former times as being a coarse and common man, and utterly destitute of dignity, and perhaps he wished to show them that they were mistaken."

<sup>2</sup> This estimate is taken by calculation from Query viii. of Jefferson's Notes on Virginia.

<sup>3</sup> The volumes of his Journal, except for 1779, are preserved in the State Library. But his letter-book for the first three years is lost.

The hope of reconciliation which lingered in the breasts of some of the men in high positions, had caused a lack of vigor in the conduct of the war that came near ruining the cause of the patriots. This was conspicuous in the failure of Congress to take timely steps to raise an army enlisted for the war. That Governor Henry saw the danger and was aroused by it, is shown by his correspondence. As was to have been expected, his inauguration was signalized by the most active measures. On July 8, General Lewis attacked Lord Dunmore, who had taken possession of Gwin's Island in the Chesapeake Bay. Defeated and driven from the island, his Lordship retreated to St. George's Island in the Potomac, from which he was dislodged by a detachment of brave Marylanders, and after committing some petty depredations along the shores of the river and bay, he sailed out of the Capes, never to return to Virginia, leaving firmly seated in the Governor's chair, in his stead, the man he had but a few months before proclaimed as a seditious character.

As early as June, 1775, John Stuart, the superintendent of southern Indian affairs, and General Gage, concerted a plan for combining all the western tribes in an attack on the rear of the Colonies, while the British forces should make a descent on the southern seaboard. This plan was laid before the British Cabinet, and by it approved, and early in 1776, orders were issued to carry it into execution.<sup>1</sup> In pursuance of this plan, Sir Peter Parker with a British squadron, carrying a strong force under Sir Henry Clinton, appeared before Charleston, and the

<sup>1</sup> Ramsey's History of Tennessee, 161, citing Stedman's History of the American War, vol. i.

Indians, true to their engagement, upon being informed of the arrival of the fleet, took the warpath, and invaded the western frontier, from Georgia to the head of the Holston in Virginia. The leaders in this invasion were the Cherokees, the most warlike and enterprising of the native tribes, who were accustomed, by their long intercourse with the whites, to the use of small-arms, and some of the modes of civilized war. They were led by Oconostota, Dragging Canoe, and The Raven, chiefs of marked abilities. On June 28, the attack of Sir Peter Parker on Sullivan's Island, in Charleston Harbor, was repulsed by the Americans under General Charles Lee, and the intelligence of this victory had a happy effect in checking the Indian invasion of Georgia, but the parties which had fallen upon western North Carolina were not so easily diverted from their purpose of blood and plunder.

A most remarkable settlement had been effected some six years before, west of the Alleghanies, on the Watauga,<sup>1</sup> by some families from Fairfax County, Virginia, and there had gathered around it, from Virginia and North Carolina, a community of heroes whose courage and daring have never been surpassed. This advance-guard of civilization had for their leaders three men of genius and daring sufficient for any emergency. They were John Sevier, James Robertson, and Isaac Shelby, names worthy of all honor, because of their eminent services in the struggle for American liberty. Two forts had been erected to protect the settlers, one on the banks of the Watauga, called Fort Lee, and the other a few miles

<sup>1</sup> Edmund Kirke's *Rear-guard of the Revolution*, 53.

to the northwest on the Holston, near Long Island, called Heaton's station.

There lived among the Cherokees a woman named Nancy Ward, said to have been a half-breed, who held the position of prophetess of the nation. Like another Pocahontas, she determined to warn the whites of the danger which threatened their settlements from the savage war which the British agents had incited. On May 30, 1776, she told Isaac Thomas, a trader, of the hostile determination of the nation, and urged him to inform the settlers at once.

Thomas immediately communicated the intelligence to the settlements, and proceeded to inform the Virginia authorities of the danger and the need of succor. The alarm was responded to by men from the western settlements of Virginia and North Carolina, and five small companies, principally Virginians, promptly marched to the rescue. These were put under the command of Captain Thompson, who was found to be the oldest officer in commission, and they reached Heaton's Station in advance of the Indians. On July 20, 1776, a strong force under Dragging Canoe appeared before the fort, and the garrison determined to march out and attack them. This bold move was completely successful. The Indians were defeated with considerable slaughter, and their chief was among the wounded.

On July 21, the division under Oconostota attacked Fort Lee and suffered a repulse, but they continued the siege for several days, and finally retired upon hearing that reinforcements were marching to the relief of the fort.



Upon being repulsed at Heaton's Station, the Indians broke up into marauding parties, one of which entered the valley of the Clinch, and penetrated as far as the Wolf Hills, near the present town of Abingdon, carrying fire and massacre into every settlement.

1776 On July 22, the Executive Journal<sup>1</sup> notes the receipt of letters from General Charles Lee, and John Rutledge, President of South Carolina, conveying information of hostilities committed by the Cherokees, and that an expedition would at once be sent against their lower towns by the two Carolinas, and asking Virginia to send an expedition against their upper towns, called Over Hill. The Council thereupon ordered Colonel Charles Lewis with his battalion of minute-men to march for that purpose, and on August 1, upon hearing of the depredations in Clinch Valley, increased the force, and appointed Colonel William Christian commander-in-chief of all the forces raised, or to be raised, for the expedition, with Evan Shelby as his major. In the instructions given to Colonel Christian, he was directed, in case the Indians were forced to sue for peace, to require a sufficient number of their chiefs and warriors as hostages to insure the performance of the treaty, and also to insist on their giving up all prisoners, and all persons among them who had been concerned in bringing on the war: and especially Stuart, Cameron, and Gist, the three British emissaries who were believed to have persuaded the Indians to go upon the warpath.

The place of rendezvous appointed for Colonel Christian was the Great Island in the Holston, or

Heaton's Station, where were soon gathered several companies, who were joined by three or four hundred North Carolina militia under Colonel Joseph Williams, Colonel Love, and Major Winston. To these were added some of the garrisons of the forts. The little army at once set out for the Indian towns, some two hundred miles distant, with Isaac Thomas as guide, James Robertson in command of the Watauga men, and John Sevier at the head of a select body of scouts. The Indians had retired beyond the French Broad upon hearing of the gathering of troops at the Great Island, and a body of three thousand warriors prepared to dispute the passage of that beautiful river, which they had boasted should never be crossed by a hostile white man. Colonel Christian, under the guidance of Isaac Thomas, crossed the river near what is now known as Buckingham's Island, and to his surprise found that the Indians had suddenly determined to retreat to the fastnesses of their mountains. After punishing their unprovoked attack upon the settlements by destroying their towns and laying waste their fields, sparing those who had been disposed to peace, Colonel Christian invited a conference. This was gladly responded to by a number of chiefs, who proposed peace. Their request was granted, and a convention was entered into, but not to take effect till a treaty should be made by representatives from the whole tribe, who were invited to meet commissioners from Virginia in May following, at Heaton's Station. Colonel Christian then marched his troops back to this point, where most of them were disbanded, and the remainder were put into winter quarters in a new fort erected and called "Fort

Patrick Henry,"<sup>1</sup> which was believed to be within the limits of Virginia, the dividing line not having been run further west than the Alleghany Mountains.

On January 13, 1777, the Governor and Council appointed Colonel William Christian, Colonel William Preston, and Major Evan Shelby, commissioners to treat with the Cherokees. On May 23, they reported that they had arranged terms of a treaty, and that they had brought with them to Williamsburg several of the Indian chiefs and warriors. The General Assembly, then in session, directed the Governor and Council to complete the treaty thus arranged, at a meeting of the commissioners, to be held at the fort on June 26, 1777.

Dragging Canoe refused to attend these meetings, or to make peace with the whites, but the further breaking out of hostilities was for some time prevented by that provision of the treaty which permitted James Robertson to dwell among the Indians as a commissioner.

By this treaty a new line was run between the white people of Virginia and the Cherokees, which was to the west of that run by Donelson. It commenced at the Great Island in the Holston River, "thence running a straight line to a high point on Cumberland Mountain, between three and five miles below or westward of the Great Gap, which leads to the settlement of Kentucky."<sup>2</sup> Here it stopped.

By this new line the settlements in Kentucky

<sup>1</sup> Ramsey, in his *History of Tennessee*, pp. 165-9, gives quite a full account of this expedition. The report of Colonel Christian, it is believed, was taken from the archives of the State during the occupation of Richmond by the Federal troops in 1865.

<sup>2</sup> See material parts of the treaty recited in the case of *Poterfield vs. Clark*, 2 Howard, U. S. Reports, III., etc.

were expected to be protected from interruption, as well as the settlers between the Holston River and Cumberland Mountain.

At the treaty of Fort Stanwix, in November, 1768, the Six Nations, claiming as conquerors of the Shawanese, ceded to the King of Great Britain all the country on the southerly side of the river Ohio, as far as the Cherokee, or Tennessee, River. At that time it was stated that this country was not claimed by the Cherokees, whose settlements were to the south.<sup>1</sup> Although several adventurous persons visited the country before and after the treaty, among whom may be mentioned Dr. Thomas Walker, of Virginia, and John Finly and Daniel Boone, of North Carolina, yet it was not till 1774 that a settlement was effected west of the Kentucky River. In that year James Harrod, from the country on the Monongahela, ascended the Kentucky River and built the first log cabin in Kentucky, upon the present site of Harrodsburg.<sup>2</sup> The settlements, after the peace between the Indians and Lord Dunmore, increased rapidly, so that by May, 1775, there were three hundred settlers.<sup>3</sup>

Notwithstanding the treaty of Fort Stanwix, the Cherokees claimed the country as their hunting ground, and on March 17, 1775, they were induced, by Richard Henderson, of North Carolina, and the persons associated with him, to formally convey their rights to them. This treaty was made at Watauga, and the territory deeded was described as

“ All the tract or territory of lands now called by the name of Transsylvania, lying on the Ohio River

<sup>1</sup> So stated by the Indian agents, *Works of Franklin*, vol. iv., p. 332.

<sup>2</sup> Butler's *Kentucky*, p. 26.

<sup>3</sup> *Idem*, p. 30.

and the waters thereof, branches of the Mississippi, and bounded as follows: Beginning on the said Ohio River, at the mouth of the Cantuckey Chenoe, or what by the English is called Louisa River; from thence running up the said river and most northwardly fork of the same to the head spring thereof; thence a southeast course to the top ridge of Powell's Mountain; thence westwardly along the ridge of said mountain unto a point from which a northwest course will hit or strike the head spring of the most southwardly branch of Cumberland River; thence down the said river, including all its waters, to the Ohio River; thence up the said river as it meanders to the beginning."<sup>1</sup>

This territory embraced much the larger part of the present State of Kentucky, and a part of the State of Tennessee, and this magnificent domain was sold by the Cherokees, or rather their doubtful rights in it, for a parcel of goods worth only a few thousand dollars. It was said that Oconostota, when the treaty had been signed, said to Daniel Boone, who had been mainly instrumental in effecting it, "Young man, we have sold you a fine territory; but I fear you will have some difficulty in getting it settled." The remark proved to be a prophecy of the treacherous policy of the Indians, which caused Kentucky to be known as "the dark and bloody ground."

With this claim of title Henderson & Co. established a land office, and commenced to dispose of the lands to settlers, reserving a half interest in the ores and also an annual rental for the land. During the year 1775, a body consisting of eighteen

<sup>1</sup> Butler's Kentucky, p. 13.

delegates, styled a convention, met at Boonesborough, acknowledged the proprietorship of Henderson & Co., and proceeded to establish courts, and otherwise organize a territorial government.<sup>1</sup> These proceedings caused great dissatisfaction among some of the settlers, who appealed to the Virginia Convention for redress. Henderson & Co. presented a counter-petition to that body, and the action taken has been noted. Many depositions were taken in pursuance of the resolution of the Convention,<sup>2</sup> and an effort was made to connect Governor Henry with some of the land companies which had made purchases of the Indians. This led to the taking of his deposition, which not only fully exonerated him from any connection with these purchases, so liable to suspicion from their enormous extent and insignificant consideration, but showed that his conduct as a public man was actuated by the highest motives, and that he was not willing to occupy a position in which his private interest might conflict with his public duty.

The following is his deposition :

WILLIAMSBURG, June 4<sup>th</sup> 1777.

“The Deposition of Patrick Henry esquire ; who being first duly sworn, deposeth & saith :

“That early in the year one thousand seven hundred & Seventy-four, as well as he remembers, the Hon<sup>ble</sup> W<sup>m</sup> Byrd Esq<sup>r</sup> dec<sup>d</sup> having said that the Cherokee Indians had offered to give him a tract of land some years before, & falling into conversation

<sup>1</sup> Butler's Kentucky, 30.

<sup>2</sup> See them in vol. i. of Calendar of Virginia State Papers.

on that Subject, with this deponent, He, the said W<sup>m</sup> Byrd, together with the Honorable John Page Esq<sup>r</sup> dec<sup>d</sup>, & this deponent, agreed to send a certain Mr. Kennedy to the Cherokee Nation, to see if they were willing to part with some of their land, on the Waters of their own Rivers in Virginia, to Convey the same to them & not for the State—Col<sup>o</sup> Christian was to be a partner, if the scheme succeeded—Upon Mr. Kennedy's return he Informed this Deponent that he had been to Col. Byrd's, & had let him know the answer of Some of the Indian Chiefs; & communicated the same to this Deponent, which was, that they were willing to treat on the Subject—Not long after this and before any treaty was Resolved on, the Troubles with great Britain seemed to threaten serious consequences, & this Deponent became a member of the first Virginia Convention, & a member of the first Continental Congress, upon which he determined with himself to disclaim all Concern and Connection with Indian Purchases, for the Reasons following, that is to say—He was informed shortly after his arrival at Congress, of many Purchases of Indian Lands, shares in most or all of which were offered to this Deponent, & Constantly refused by him, because of the Enormity in the Extent to which the Bounds of those purchases were carried—Another Reason for this Refusal was, deponent, being a member of both Congress & Convention, conceived it improper for him to be concerned as a party in any of these partnerships; on which it was probable he might decide as a Judge—The Deponent says he was further fixed in his Determination not to be concerned in any Indian Purchase whatever, on the prospect of the present War, by which the Sovereignty & Right of Disposal in the soil of America would probably be claimed by American States. After conversing with the S<sup>d</sup> W<sup>m</sup> Byrd, & Communicating

his Sentiments freely on the Subject, the Deponent said that the scheme dropt: nor did it proceed further than is above related.

“The Deponent further says, that Mr. Henderson & his Partners very soon after their supposed Purchase, joined in a Letter to this Deponent: in which was Contained as this Deponent thinks, a Distant though plain Hint, that he the Deponent might be a partner with them.

“The Deponent also says he rec'd a great number of Messages from Messrs. Henderson & Co., inviting him to be a partner. That Mr. Henderson in his own Person, & Mr. Allen Jones (a Partner in the Purchase) both apply'd to the Deponent to join them in their scheme, but the Deponent uniformly refused, & plainly Declared his Strongest Disapprobation of their whole proceedings; giving as a Reason that the People of Virginia had a right to the back Country, derived from their Charter & the Blood & Treasure they expended on that account. The Deponent says that he is not now, nor ever has been, concerned directly or indirectly in any Indian Purchase of Lands, & that he knoweth nothing of Mr. Henderson's contract.

“The Deponent being asked whether application to the Legislature or the Crown, was made for leave to Purchase Lands of the Cherokees by the said W<sup>m</sup> Byrd, or any other Person in the matter aforesaid. He answereth that no such application was made that he knows of, that the only proposal to the Indians was to know if they would treat on the Subject, & further saith not.”

“Sworn to before

“Jo: PRENTIS

“R. KELLO.”

In the spring of 1775 there appeared among the Kentucky settlements, a man of fine military ap-



pearance, of great intelligence, and most attractive manners, who was destined to exert a marked influence not only upon the history of Kentucky, but upon that of the United States. This was George Rogers Clark. He was a native of Albemarle County, Va., where he was a neighbor and favorite of Thomas Jefferson. As a boy he had often ridden to Shadwell Mills upon a bag of corn; coming to manhood he was led by his love of mathematics to take up the business of a surveyor. During Dunmore's Indian War he commanded a company, and was engaged in the only active operations of the right wing of Dunmore's forces. At the close of this war he was offered a commission in the English service, but the political troubles, already become very serious, induced him to decline the offer. He had not been long in Kentucky before he was placed in command of the militia, and at once became the most prominent man in the settlements. He was deeply impressed with the importance of this frontier country to Virginia, and to the whole Confederacy, and determined to exert himself for the formation of closer relations with the parent State. Accordingly he called a general meeting of the settlers at Harrodsburg on June 6, 1776, with a view of appointing deputies to treat with the Virginia Convention, in order to secure certain advantages as a condition of their declaring themselves citizens of Virginia. In case these were not granted, he intended to lead in the establishment of an independent community. Being detained from the place of meeting till late in the afternoon, he found the people, in ignorance of his designs, had determined to send him and Gabriel Jones as delegates to the Convention, with a peti-

tion praying that the country might be formed into a new county.

In a few days Clark and Jones set out for Williamsburg, a journey of some five hundred miles. Their way led through a wilderness, in which they were constantly liable to be attacked by the savages, making it dangerous to kindle fires at night. The loss of one of their horses, and the extreme wetness of the season, brought on a most painful affliction, called by the hunters, scald feet. On reaching Botetourt County they learned that the Convention had adjourned. Jones thereupon joined the forces which Colonel Christian was raising for his Cherokee expedition, while Clark determined to go to Williamsburg, and attempt to procure powder for the Kentuckians, of which they stood in great need. Hearing that the Governor was sick at his home, Clark visited him there. This, which was probably the first meeting of these remarkable men, was fraught with the gravest consequences to their country. Clark produced the evidences of his appointment, and detailed the condition of affairs in Kentucky, and the need of powder for its defence. Governor Henry fully appreciated the importance of affording the aid which was asked, and wrote a letter to the Council urging that the proper order be made. With this letter Clark visited Williamsburg and appeared before the Council. He asked for five hundred pounds of powder to be conveyed to Kentucky, as an immediate supply, in view of the fact that the British officers north of the Ohio were inciting the Indians to war.

There was at the time an abundant supply in the State, but the Council hesitated about furnishing it

to Clark, except as a loan. They were uncertain as to what the action of the General Assembly would be in reference to Kentucky and Henderson & Co.'s claim, and they would only consent to furnish the powder, if Clark would become answerable for it in case the Assembly disapproved of their action. They informed Clark that "they could venture no farther." An order was handed him upon the keeper of the magazine on this condition. This Clark returned, with a letter stating, "that it was out of his power to convey the stores at his own expense such a distance through an enemy's country, that he was sorry to find that the Kentuckians would have to seek protection elsewhere, which he did not doubt of their getting," adding, that "if a country was not worth protecting, it was not worth claiming." On reading this letter the Council realized that they had committed a great mistake, and they sent for Clark and granted all he had asked. The order on the Journal is in these words, bearing date August 23, 1776.

"Mr. George Rogers Clark having represented to this Board the defenceless state of the inhabitants of Kentucky, and having on their behalf requested that a quantity of ammunition may be supplied them,

"*Resolved*, That five hundred pounds of gunpowder be forthwith sent to Pittsburg and delivered to the commanding officer at that station, to be safely kept and delivered to Mr. Clark for the use of the inhabitants of Kentucky. And it is ordered that five hundred pounds of gunpowder be delivered the said Mr. Clark by the keeper of the publick magazine."<sup>1</sup>

<sup>1</sup> See History of Indiana by Dillon, vol. i., for Clark's narration of these events.

This action secured Kentucky to Virginia. Had Clark's request been denied, and had he carried out his threat, there is little doubt that he would have applied for help to the Spaniards, who held the west of the Mississippi. They were seeking to establish themselves on the east bank of the river, as their subsequent conduct demonstrated, and they would, without doubt, have seized this opportunity of acquiring Kentucky. At the fall session Clark and Jones appeared before the Legislature, and asked that measures be taken for the protection of Kentucky. At their instance, and against the protest of Henderson & Co., the territory embraced in the present State of Kentucky was set off from the County of Fincastle. It was constituted the County of Kentucky, and a regular government was given the people.

The claims of Henderson & Co. were never recognized by Virginia, but as they had induced many settlers to go to Kentucky, who aided in holding the country against the Indians, and thus gave protection to the other settlements to the east, the Legislature deemed it right to reimburse the company for their trouble and expense, and accordingly granted them in October, 1778, two hundred thousand acres of land at the mouth of Green River.

## CHAPTER XIX.

### GOVERNOR OF VIRGINIA.—FIRST TERM.—1776.

Onerous Duties Devolved on the Executive.—Needs and Perils of the State.—Correspondence with Washington.—Creation of a Virginia Navy.—Its Great Services and Heroism.—Munitions of War Supplied.—Troops Furnished the Continental Army.—Arrangements to Obtain Intelligence from the Army.—Effect of Declaration of Independence in England.—Campaign in America.—Retreat through New Jersey.—Reduced Condition of Washington's Army.—Battles of Trenton and Princeton.—Virginia Assembly.—Its Important Work.—Religious Liberty.—Alarm at Reverses at the North.—Enlarges Powers of Governor.—Alleged Scheme for a Dictatorship.

IN reading the Executive Journal for Governor Henry's term, which covers four hundred and twenty-four large folio pages for the first year, not including the letters written, one is struck with the vast amount of mere routine work devolved upon the Council. To the ordinary work of an Executive, were added the extraordinary labors consequent upon a state of war, and in addition the duties of an Auditor's office. By far the greater part of the Journal is filled with entries of claims against the State for which warrants were ordered to be issued. Against this unnecessary burden Governor Henry sent the following protest to the next Assembly, but it was not changed until the close of his administration.

" WILLIAMSBURG, Dec. 6<sup>th</sup> 1776.

" HON. SIR: AS by the act of Government it is directed that the Governor with the advice of the

privy Council shall exercise the executive Powers of Government, a Doubt arises whether the Governor alone may issue a warrant upon the Treasury for the Payment of any money on accounts certified by the Commissioners. From experience it is found impracticable to attend to many matters of consequence to the safety of the State, if the Council are, not only to advise the issuing of Warrants upon such Certificates, but also to keep Records of the same. We think it proper to acquaint the General Assembly with these our Sentiments; and we beg leave earnestly to recommend it to their consideration, whether it would not be to the advantage of the State if the Commissioners were empowered finally to transact this Business, or some other regular mode adopted for the future settling & passing the accounts against this State.

“By advice of Council

“P. HENRY JR.”

“To the HON. EDMUND PENDLETON,

“*Speaker of the Ho. of Del.*”

One of the most serious questions with which Governor Henry and his Council were confronted, was the deficiency in the supply of salt in the State. Few things were calculated to excite more alarm, or greater dissatisfaction among the people. The order of the Convention for the establishment of salt works along the coast, could not be carried out in time to meet the demand, and the occasional landing of a cargo was not sufficient for the purpose.

There was also a great lack of such medicines as were formerly imported. So soon as information was received of the departure of the British Fleet from the Bay, the Council, by an order dated September 13, 1776, directed six sloops, bearing the names of Congress, Scorpion, Liberty, Defiance, Hor-

net, and Revenge, to carry out cargoes of tobacco and flour to the West Indies, and to bring back salt, clothes, and medicines. This was the beginning of a very important, but hazardous, trade, which was conducted by the Virginia Navy.

The dangers which surrounded Virginia are graphically described by John Page, President of the Council in the absence of Governor Henry, in a letter to John Hancock, President of Congress, August 3, 1776.<sup>1</sup> Congress had ordered two of the battalions raised for Virginia service to join the flying camp of Brigadier-General Mercer in New Jersey. These were sent, and Mr. Page wrote:

“From the dispersed situation of our troops, the number of navigable rivers, exposing our country to the ravages of the enemy’s fleet, the great demand of men and arms on our frontiers, on account of the Indian war, and from the present state of General Clinton’s army near Charlestown, which we conceive might be employed to greater advantage here, we have reason to apprehend an invasion, and have therefore ordered a number of minute-men and militia into duty, to supply the want of our two regiments ordered to the Jerseys.”

This order of the Council, calling additional troops into the field, was made while Governor Henry was sick and absent. When he returned to his post, he wrote to General Washington, September 20, asking his advice in the embarrassing situation of affairs in which he found himself, and pro-

<sup>1</sup> American Archives, 5th Series, i., 736.

posing a continued correspondence. Washington replied October 5 :

“ I congratulate you, sir, most cordially, upon your appointment to the government, and, with no less sincerity, on your late recovery. Your correspondence will confer honor and satisfaction ; and whenever it is in my power, I shall write to you with pleasure.”

He then gave an account of his own situation, attributed his reverses to the evils of short enlistments, warned Governor Henry against relying on these, and against inefficient officers, and advised the use of row galleys for defence against the enemy's ships and tenders which might go up the rivers.<sup>1</sup> Williamsburg, which is within a few miles of both the James and York Rivers, was peculiarly liable to attack from the water, and the Governor ordered some of the new levies to be posted for the protection of the capital. This caused a sarcastic letter to be written by the aged aristocrat, Landon Carter, to Washington, which plainly showed his dislike to Governor Henry.<sup>2</sup>

In order to give more efficiency to their navy, the Convention had created a Navy Board, consisting of Thomas Whiting, John Hutchings, Champion Travis, Thomas Newton, Jr., and George Webb. They were charged with the creation and management of a navy. The Executive Journal shows that they were in communication with, and under the control of, the Governor. When the great disadvantages under which they labored are considered, the work they accomplished is matter of astonish-

<sup>1</sup> Writings of Washington, iv., 185. Post, iii., 12.

<sup>2</sup> American Archives, 5th Series, ii., 1805-6.



ment. Dockyards were established at Gosport, Suffolk, Fredericksburg, New Castle on the Pamunky River, and at a point on the Chickahominy about twelve miles from its mouth. This last was the chief place of naval construction, till its destruction by Arnold in 1781. Depots of naval stores, and ropewalks for the manufacture of cordage, were also established, the chief of these being at Warwick, four miles below Richmond.<sup>1</sup> The Board appointed two superintendents, Captain James Maxwell and Captain Christopher Calvert, the latter having immediate charge of the construction department. Military operations were directed by a commodore. Three of these were successively appointed, J. Boucher, Walter Brooke, and James Barron. The first two served but short periods and resigned, but the last named served till the end of the war, with an energy, zeal, and courage unsurpassed in naval annals. About 40 captains, 59 lieutenants, and 600 seamen served in the Virginia navy during the war, and among the latter were many negroes, who rendered faithful and efficient service. It is to the lasting honor of this arm of the service that only three cases of desertion are reported during the entire war. The corps of marines numbered about three hundred, including officers, but the militia were frequently called to serve on the decks of the navy.

The Virginia navy thus called into existence, almost entirely during Governor Henry's terms, consisted of 17 ships, 15 brigs, 19 schooners, 15 galleys, 2 armed pilot boats, and 2 barges. Some of these

<sup>1</sup> This place was very near Fort Darling, known as Drury's Bluff, and rendered famous in the late war.

vessels were captured from the enemy, and some bought, but the Virginians showed surprising skill in constructing swift and seaworthy craft. Some of the vessels were of most respectable size and armament. The largest ship carried 32 guns, the largest brig 14 guns, the largest galleys mounted two 18-pounder guns, with swivels in addition, and the barges for the conveyance of troops were large enough to carry one company of 68 men with their outfit, besides those working the oars.

The services of these vessels were of the greatest importance. They not only effectually prevented the incursions of bands of plundering Tories along the Bay, but were most effectual in carrying out tobacco and other produce, and exchanging their cargoes in the West Indies for arms and military stores, and in making prizes of British merchantmen.

Smollet, in his continuation of Hume's History of England, bears testimony to the value of these services in their injury to British commerce, and states, "that by the export of tobacco from the Chesapeake the credit of the colonies was chiefly, if not wholly, supported," and "by the inland navigation of that Bay large quantities of provisions were conveyed to the middle colonies for the subsistence of the American army."

This gallant little navy not only captured unarmed merchantmen, but fought with great bravery the British armed vessels. A detailed statement of these conflicts would be of great interest, but only one adventure will be given, which may well challenge comparison with the highest heroism recorded in naval history. The account will be given in the

fitting words of the accomplished historian of the Virginia Navy.<sup>1</sup> Says the writer:

“The crowning act of heroism, during the career of these patriot cruisers, was that which has immortalized the name of Cap<sup>t</sup> John Cowper. The Brig Dolphin we have seen had been on service in the Chesapeake; and had been sent into Nansemond River to be overhauled and refitted. Her officers had been changed; and she was now to be commanded by Cap<sup>t</sup> Cowper, with his Lieutenants Phil. Chamberlayne and James Cunningham, midshipman Frank Lewis, and surgeon Harris. Having gotten his vessel ready for sea, Cap<sup>t</sup> Cowper dropped down to the mouth of Nansemond River, and as soon as opportunity of wind and tide offered, put to sea in search of the enemy. Before weighing anchor, and we must suppose after due consultation with his officers and crew, he deliberately nailed his flag to the masthead, and declared he would never strike it to the foe. The annals of naval warfare do not afford a more brilliant example of patriotic devotion than that now to be recorded. The world is dazzled by displays of heroism on large fields. Hence the glories of St. Vincent, of Aboukir, and of Trafalgar. But Lord Nelson himself, when he sank into the arms of Fame on the deck of the Victory, was no more a hero than was he who now trod the deck of this unpretending Virginia cruiser. Cap<sup>t</sup> Cowper now shaped the course of his brig directly across Hampton Roads out into the Chesapeake. It was late in the day. The people of the neighborhood, who were well aware of his desperate temper, watched with interest from along the shore

<sup>1</sup> Dr. William P. Palmer, of Richmond, editor of the first volumes of the Calendar of State Papers, who has kindly shown me his History of the Virginia Navy in MS, from which I have obtained the foregoing facts.

the gallant little vessel on her perilous way. They saw her pass the sandy beach where stood old Fort George, and where now frown the batteries of Fortress Munroe. They continued to gaze upon her diminishing outlines until she had gotten fairly beyond the Capes. Here she was not lost to their view; for almost at the moment she was about to fade away in the horizon, two other sails were observed in the offing. The friends of all on board the Dolphin, were now anxious as to the character of the strangers—were they merchantmen, or were they men-of-war? Cowper had always said he would never wait to be attacked, but would assume the offensive, no matter what the odds against him. The Dolphin was now seen bearing toward the two vessels, who themselves at once shaped their course to meet her. It was evident therefore that they were armed tenders of the enemy's fleet probably not very far distant. They must have been astonished at the temerity of an adversary, who single-handed and in sight of a place of refuge, was thus boldly inviting them to so unequal a contest. They may have taken her for a Tory ally, or friend in disguise. They were not long left in doubt. The Dolphin opened fire as soon as they were in range, and the action began. It is stated by those who looked on from a distance, that the fight lasted until long after the sun had set. The flashes of the guns continued to be seen through the darkness, and their distant mutterings to be heard after nightfall. At last an ominous silence brooded over the sea. The lights of two vessels were seen to disappear to the eastward, but no sign was left of the third. The gallant Dolphin and her devoted crew have never been heard of since that day! Had they been made prisoners, some one of them might have returned with tidings of her fate. It cannot therefore be doubted that the desperate resolve of her

commander was carried out, and that he and his crew sacrificed themselves and their vessel to an over-zealous devotion to their country's cause. No fitting memorial can ever mark the spot where perished this heroic band; but the surging billow must forever be their monument; their requiem, what the 'wild waves' are ever saying."

It was the fate of the gallant Virginia navy to be almost entirely destroyed in James River by the traitor Arnold, in 1781. Besides those vessels which were in distant waters, only the Liberty survived the invasion. Those not falling into the hands of the English were destroyed by their own commanders to avoid capture.

The exertions put forth by Governor Henry to ensure the manufacture and importation of gun-powder met with such success, that on August 20, the Council found it necessary to order the erection of another magazine to accommodate the large supply on hand. For lead the State was dependent on the mines on the Kanawha, opposite the mouth of Cripple Creek, in that portion of the old county of Fin-castle which had been set off and named Montgomery, in honor of the hero who, after conquering a large portion of Canada, had just fallen at Quebec. From the mines the lead was wagoned one hundred and thirty miles, to Lynch's<sup>1</sup> Ferry on James River. A gun factory was established at Fredericksburg, but it failed to supply the demand for small arms, and the supplies obtained from the West Indies proved insufficient for arming the men called into the field.

There was no difficulty in raising Virginia's quota

<sup>1</sup> Now Lynchburg.

of men for the Continental army during the year 1776, and when Governor John Wood, of Georgia, applied for permission to recruit for soldiers in the State, the Council, on August 20, granted his request, only providing that the Georgians should not enlist any regular soldiers, marines, or minute-men.

The gallantry of the Virginians in the engagements of the Continental army was conspicuous, and soon won the admiration of the army.

In order that he might have prompt and reliable information of what was going on in the camp and in the halls of Congress, Governor Henry kept up a regular correspondence with General Washington and Richard Henry Lee. The letters of this correspondence which have been preserved, show the most intimate relations between the writers, and give a vivid representation of the events of the times.

Governor Henry soon found, however, that the engagements of these correspondents were so engrossing, that they could not keep him advised of current events with that punctuality which he deemed essential to the welfare of the State. Accordingly on January 16, 1777, the Council,<sup>1</sup> in a minute reciting the defenceless condition of the State, and the necessity of speedy and authentic accounts of the movements of the British fleet and army, in order that the most effectual provision might be made for its defence, appointed John Walker, Esq., of Albemarle County, agent of correspondence, to reside at, or convenient to, General Washington's headquarters. Governor Henry informed General Washington of this action, and re-

<sup>1</sup> Journal, p. 808.

ceived from him the following letter on the subject.

“MORRISTOWN, 24 February 1777.

“DEAR SIR: Mr. Walker has, I doubt not, informed you of the situation in which I have placed him, in order that he may obtain the best information, and, at the same time, have his real design hid from the world; thereby avoiding the evils, which might otherwise result from such appointments, if adopted by other States. It will naturally occur to you, Sir, that there are some secrets, on the keeping of which depends often times the salvation of an army; secrets which cannot, or at least ought not, to be intrusted to paper; nay, which none but the Commander-in-chief, at the time, should be acquainted with.

“If Mr. Walker's commission, therefore, from the Commonwealth of Virginia should be known, it would, I am persuaded, be followed by others of the like nature from other states, which would be no better than so many marplots. To avoid the precedent, then, and from your character of Mr. Walker, and the high opinion I myself intertain of his abilities, honor and prudence, I have taken him into my family as an extra aid-de-camp and shall be happy if, in this character, he can answer your expectations. I sincerely thank you, Sir, for your kind congratulations on the late success of the Continental arms (would, to God it may continue), and for your polite mention of me. Let me earnestly entreat, that the troops raised in Virginia for this army be forwarded on by companies, or otherwise, without delay, and as well equipped as possible for the field, or we shall be in no condition to open the campaign. With every sentiment of respect and regard

“I am, dear Sir, &c.

“GEO. WASHINGTON.

“To his Excellency Gov<sup>t</sup> PATRICK HENRY.”

Mr. Walker did not continue very long on this duty, and during his next term the Governor appointed William Pierce to the same position.<sup>1</sup>

The Declaration of Independence greatly affected parties in England. Many who had stoutly defended the political rights of the Colonies abandoned their cause when a separate existence was demanded.<sup>2</sup> Englishmen were nearly unanimous against a disruption of the empire, and the minority opposed to Government dwindled to almost nothing. Still some of the best thinkers did not hesitate to declare the task of reducing America hopeless. Among these was David Hume, who upon his deathbed advised his country to give up the war with America, "in which defeat would destroy its credit, and success its liberties."

Upon the continent the temptation to injure their old enemy could not be resisted, and both France and Spain, while not taking an open part in favor of the United States, secretly gave them encouragement, permitting arms and munitions of war to be furnished them, and American ships to use their harbors. Vergennes, the ablest member of the cabinet of Louis the Sixteenth, earnestly advised an open breach with England, but the sluggish young king dreaded the exertions of war, and was content to allow his ministers secretly to aid the Americans.

The fortunes of the American arms had been checkered. The expedition into Canada commenced with brilliant success, but after the fall of

<sup>1</sup> Executive Journal, 79, 121.

<sup>2</sup> On the opening of Parliament in October, the Duke of Richmond in the Lords, and John Wilkes in the Commons, led the opposition in vigorous attacks upon the Ministry, and in defence of the American Colonies in their action; but they were in a small minority.



Montgomery before Quebec it came to a disastrous termination. The British army, after its forced evacuation of Boston, transferred the seat of war to New York and the Southern Colonies. Washington had hastened to occupy New York, and Charles Lee was despatched to meet the invasion of the South. The attack of Clinton on Charleston was repulsed and the British returned to New York. By the middle of August the forces under General Howe reached twenty-four thousand, besides a strong fleet, while the effective forces under Washington were only about eleven thousand, many of whom were militia suddenly called into service. A well-planned attack by the British on the American forces posted at Brooklyn, on August 27, resulted in a defeat of the Americans after a stubborn fight, in which the troops led by Lord Sterling were distinguished, and necessitated the evacuation of New York.

Then followed the battle of White Plains, which was soon followed by the loss of Fort Washington with a large garrison, and the evacuation of Fort Lee, thus leaving the lower Hudson open to the enemy's fleet. Washington being in doubt as to the designs of the British commander, crossed over to the Jersey side of the river, leaving General Charles Lee, who had returned from the South, in command of about half of the army, to check any movement to the eastward. General Howe having massed a greatly superior force in New Jersey, and sent a large fleet to the southward, it became apparent that he was aiming at Philadelphia. Washington at once ordered Lee to cross the river and join him, but this eccentric and wayward officer disobeyed the order,

and purposely left his commander to his fate. Then commenced a perilous retreat across the State of New Jersey, lasting three weeks and measuring near one hundred miles, including the crossing of four rivers, in which Washington, with consummate skill, evaded a vastly superior force commanded by Cornwallis, one of the ablest of the British generals, and brought off his ammunition and field pieces, with the greater part of his stores. When at last, on December 8, he had placed the Delaware between himself and the enemy, he found his army reduced, by sickness and expired enlistments, to but little over three thousand men, of whom fifteen hundred were Virginians. These were soon reinforced by two thousand Pennsylvania militia.

Lee after much delay crossed the Hudson, but on December 12, while absent from his command, he was captured and carried a prisoner to New York.

A letter written from Philadelphia December 3, by Richard Henry Lee to Governor Henry, an extract of which appeared in the *Virginia Gazette* of the 13th, gave him the alarming intelligence of this forced retreat; it commenced: "The present moment is critical in the American war. The enemy have taken vigorous advantage of the space between the old and the new enlistments, and have rushed like a torrent through the Jerseys, our little army of no more than 5,000 men, under the command of Genl. Washington, being compelled to retreat rapidly before them. The object is this city, and they were on Sunday last at Brunswick, about sixty miles off in the Jerseys." It was indeed a gloomy period.<sup>1</sup>

<sup>1</sup> See letter of Washington to J. A. Washington, December 18, 1776, Writings, of Washington iv., 229.

The enemy were in possession of Rhode Island, Long Island, the city of New York, and nearly all of New Jersey, and were on the eve of entering Pennsylvania and threatening Philadelphia. On December 12, Congress, fearing an attack on the city, adjourned to meet in Baltimore on the 20th. Lord Howe accompanied his brother, with special authority from the Ministry to offer pardon to all who would take the oath of allegiance. His proclamation induced many to accept the proffered terms, and indeed a general despondency threatened to overspread the people and the army. Some of the officers under Washington commenced to criticise very freely his generalship, and to intrigue for his disgrace. So certain were the British that the war was virtually ended, that Cornwallis prepared to return to England, and actually sent his baggage on shipboard.

The difficulties which now beset Washington would have overwhelmed an ordinary man, but they only served to stimulate his powers, and to bring out in bolder relief the greatness of his character. He had early urged upon Congress the necessity of having a fresh army in the field enlisted for the war, before the expiration of the terms of his men, who were only enlisted for one year. But Congress did not heed his repeated advice till September 16, 1776, when they ordered that eighty-three battalions should be enlisted for the war, of which three were assigned to New Hampshire, fifteen to Massachusetts, two to Rhode Island, three to Connecticut, four to New York, four to New Jersey, twelve to Pennsylvania, one to Delaware, eight to Maryland, fifteen to Virginia, nine to North Carolina, six to

South Carolina, and one to Georgia. On November 12, 1776, this order was modified so as to permit the enlistments to be for three years. They had already realized the truth of Washington's remark in his letter of October 4, that there is a material difference between voting battalions and raising men. The season was late, and such difficulty was experienced in getting ready the new levies, that the most convenient militia had to be called out, and so the American commander was forced to meet the well-appointed and experienced army of General Howe, with men whose terms were expiring, or who were freshly drafted. The apparent hopelessness of his condition is seen in his letter to the Pennsylvania Council of Safety of December 22, 1776, in which he urges the necessity of reinforcements from the militia, and says: "In less than ten days from this time, my army will be reduced to a few Virginia, and one Maryland regiment, Colonel Hand's, and the regiments lately under Colonel Miles, all very thin." But nothing shook the firmness of his mind, and with perfect self-possession, he went forward in the performance of his duty, trusting the issue to the Divine Providence in whose keeping were the destinies of America.

Neither Virginia nor her Governor lost faith in Washington in this his hour of sorest trial. Governor Henry exerted himself to the utmost to push forward the troops the State was required to furnish, and in every way to uphold the man in whom was bound up, as he verily believed, the fate of America.<sup>1</sup>

<sup>1</sup> American Archives, 5th Series, vol. iii., p. 1361.

The Legislature on December 21, urged upon Congress "to invest the commander-in-chief of the American forces with more ample and extensive powers for conducting the operations of the war." And, fortunately for the country, Congress on December 27, exhibited their continued confidence in him, by greatly enlarging his powers.

But before this was done, Washington had struck a blow which completely changed the situation of affairs and demonstrated his genius for war. On the night of December 25, he crossed the Delaware, filled with floating ice, and in the midst of a blinding snow-storm he marched nine miles, attacking and taking by surprise a large body of Hessians at Trenton, of whom he made more than one thousand prisoners. Cornwallis, astonished at this intelligence, hastily left the ship in which he was about to embark, and massing the British army in New Jersey, determined to force Washington to engage in a battle on unequal terms before he could recross the Delaware. But Washington completely out-generalled him, and withdrawing at night from his front, fell upon his rear at Princeton, delivering a heavy blow. Washington then retired to Morristown, where the British commander dared not attack him.

On October 7, 1776, the first Assembly under the new constitution met at Williamsburg, consisting of a Senate elected by the people, and the members of the late Convention acting as a House of Delegates.

The Assembly found Governor Henry at his post, but not fully restored to health. He was able, however, to attend the meetings of the Council till October 26, when becoming so unwell that he could

no longer perform his duties, he sent the Assembly a message, which is noted on the House Journal of October 30, with the action thereupon, as follows :

"The speaker laid before the House a letter from the Governour, informing him that the low state of his health rendered him unable to attend to the duties of his office, and that his physicians had recommended to him to retire therefrom into the country till he should recover his strength ; which being read,

"*Resolved*, That the Speaker be desired to inform the Governour that this House, sincerely concerned that his indisposition should deprive the commonwealth of the benefit of his services, approve of his proposition to retire from the duties of his office until his better health shall enable him to return to them."

On the same day the Senate agreed to this resolution, and the Journal of the Council does not show the presence of the Governor again till November 18, following. A letter from Edmund Randolph to General Washington, dated October 11, 1776, at Williamsburg,<sup>1</sup> mentions that many of the soldiers from the upper counties were made sick by their stay at Williamsburg, and it was doubtless the climate of lower Virginia which was so seriously affecting the Governor.

The act of the Governor shows the great deference which he always paid to the legislative branch of the Government.

Soon after the meeting of the Assembly, Benjamin Harrison desired to be heard in defence of him-

<sup>1</sup> Among Washington's papers in State Department, Washington.

self as to the matters which had caused him to be left out of the congressional delegation, by the late Convention. His vindication was complete, and resulted in his being re-elected on October 10, to take the place of Mr. Jefferson, who had declined the appointment in order that he might be in the Assembly, and his re-election was coupled with a vote of thanks for his past services.<sup>1</sup>

Mr. Jefferson preferred to be in the Assembly because he desired to take part in the great work of adapting the laws of Virginia to her condition as a free commonwealth. Upon his motion a committee was appointed to make a general revision of the laws, and the Assembly chose by ballot Thomas Jefferson, Edmund Pendleton, George Wythe, George Mason, and Thomas Ludwell Lee, as the revisers. Mr. Lee soon died, and Colonel Mason declined to act, so that this important work was performed by Jefferson, Pendleton, and Wythe.

There were several matters however which pressed for immediate attention, and could not well be postponed for a general revision. Among these were the establishment of admiralty and criminal courts, the definition of treason, the abolition of entailed estates, and the discontinuance of the tax levied for the support of the Established Church. The legislation touching the last two of these was of the utmost importance in shaping the destiny of the State.

As an aristocracy could not exist except with entailed estates, so Mr. Jefferson's short bill, declaring that estates held in fee talle should thenceforth

<sup>1</sup> Edmund Randolph gives an account of the matter in his letter to Washington of October 11, 1776.

be held in fee simple, effectually destroyed the aristocracy which had existed in Virginia, and established democracy on its ruins. The liability of all kinds of property for debt, added to the abolition of entails, effected a revolution in society. Men could no longer enjoy property who had the capacity neither of acquiring nor of retaining it. Every man became therefore the architect of his own fortunes, or if he received a large inheritance, developed the talent of preserving it; else he sank into poverty.

The action of the late Convention upon the subject of religious liberty had aroused a profound interest among the people. The clear enunciation of the principle in the Bill of Rights had not been followed up by appropriate legislation, as we have seen, and dissenters were still taxed for the support of the Established Church. This they were not willing to bear longer, and when the Assembly met they presented numerous petitions praying relief. These petitions were gotten up mainly, if not entirely, by the Baptists and Presbyterians, who constituted the great bulk of the dissenters. An account of what occurred was given April 8, 1777, by the Reverend Caleb Wallace, of Charlotte County, who represented Hanover Presbytery before the Assembly, in a letter to a friend, Reverend James Caldwell,<sup>1</sup> from which the following interesting extract is taken :

“ Our Bill of Rights declares that all men are equally entitled to the free exercise of religion according to the dictates of conscience, etc. Yet in

<sup>1</sup> See *Historical Magazine*, i., 354.



some subsequent Acts it is manifest that our Assembly designed to continue the old Church Establishment. This, and some Petitions which were circulated through various parts of the Country in behalf of dignified Episcopacy, gave a general alarm to people of dissenting principles, and the common cry was, if this is continued, what great advantage shall we derive from being independent of Great Britain? And is it not as bad for our Assembly to violate their own Declaration of Rights, as for the British Parliament to break our Charter? The Baptists circulated a Counter Petition which was signed by above 10,000, chiefly Freeholders. Our Transalpine Presbyterians were much chagrined with what they understood was like to be publicly done, and with what was said and done in a more private way against dissenters; and indeed many dissenters in every part of the country were unwilling any longer to bear the burden of an establishment. These circumstances induced our Presbytery to take the lead and prepare a memorial on the subject to be presented to our House at the session last fall, and as none of the members who were older in the ministry and better qualified could undertake it, the presbytery appointed me their deputy, which obliged me to make the case a popular study, which indeed I had done for some time before, and to attend the general Assembly 6 or 8 weeks. The result was the Assembly passed an act exempting dissenters for all time to come, from supporting the church of England, declaring all penal and persecuting laws against any mode of worship, etc., null and void, for the present left all denominations to support their clergy by voluntary contributions, reserving the consideration of a general assessment for the support of religion (as they phrase it) to a future session.

“This you may suppose was very pleasing to

some, and as ungrateful to others, and still there are many of a certain church, I would rather say craftsmen, who are hoping that something will yet be done in favor of the Great Goddess Diana, and others are fearing that religious liberty and the right of private judgment will be abridged by our assembly's taking upon them to interfere in a case that lies beyond the limits of civil government. Thus has the affair ended, or rather proceeded, without producing any other consequences than a day or two's debating in the House and a little newspaper bickering."

Mr. Wallace was educated at Princeton, and was appointed in 1783 one of the Judges of the Supreme Court of Kentucky.

Mr. Jefferson in his autobiography, written more than forty-five years after the session, gave an account of what happened which is somewhat different. He wrote:

"The first republican legislature which met in 1776 was crowded with petitions to abolish this spiritual tyranny (the establishment). These brought on the severest contests in which I have ever been engaged. Our great opponents were Mr. Pendleton and Robert Carter Nicholas; honest men but zealous churchmen. The petitions were referred to the Committee of the whole House on the state of the country; and after desperate contests in that Committee, almost daily from 11th October to the 5th of December, we prevailed so far only as to repeal the laws which rendered criminal the maintenance of any religious opinions, the forbearance of repairing to church, or the exercise of any mode of worship; and further, to exempt dissenters from contributions to the support of the Established

Church ; and to suspend, only until the next session, levies on the members of that church for the salaries of their own incumbents. For although the majority of our citizens were Dissenters, as has been observed, a majority of the legislature were Churchmen. Among these, however, were some reasonable and liberal men, who enabled us, on some points, to obtain feeble majorities. But our opponents carried, in the general resolutions of the Committee of November 19, a declaration that religious assemblies ought to be regulated, and that provision ought to be made for continuing the succession of the clergy, and superintending their conduct. And in the bill now passed was inserted an express reservation of the question, whether a general assessment should not be established by law, on every one, to the support of the pastor of his choice ; or whether all should be left to voluntary contributions."

The Journal sustains Mr. Wallace when he differs with Mr. Jefferson. It shows that on October 11, "a Committee of Religion" was appointed, consisting of Messrs. Braxton, Harwood, Richard Lee, Bland, Simpson, Mayo, Hite, Fleming, James Taylor, Watts, Lewis, Adams, Curle, Jefferson, Scott, Page, of Spotsylvania, McDowell, and the treasurer (Robert Carter Nicholas).

To this Committee, and not to the Committee of the whole House, were referred the several petitions touching the Established Church, until November 9, when the last one of these petitions was presented. Up to that date no report had been made by that Committee on the subject. On that day the following entry appears :

"Ordered, that the Committee for Religion be discharged from proceeding on the petitions of the

several religious societies, and the same be referred to the Committee of the whole House upon the state of the country."

The House did not afterward resolve itself into a Committee of the Whole upon the State of the Country, till Saturday, November 16. Coming to no conclusion upon the matters then before the Committee, it sat again on Monday, and again on Tuesday. On the last named day the Committee reported a series of resolutions on the subject, and a committee was appointed to prepare a bill in accordance therewith. This committee reported November 30, and the bill was discussed in Committee of the Whole December 3, and 4. On the 4th, after being amended, it was ordered to be engrossed, and was passed on the next day. It was further amended in the Senate, and finally passed on December 9.

It would seem therefore, that from October 11, to November 9, the contests were in the "Committee of Religion" of which Mr. Pendleton was not a member, and that there were no prolonged contests after the matter was referred to the Committee of the Whole House. Indeed, the formidable array of freeholders who signed the petitions, and who must have been largely members of the Established Church, was enough to determine the course of the Legislature, and to bring about the result which, from Mr. Wallace's account, was easily accomplished. It would seem most probable that the real contest was as to the propriety of a general assessment for the support of religious teachers, and this was left by the bill "to the discussion

and final determination of a future Assembly, when the opinions of the country in general may be better known."

The account of Mr. Wallace is also more in accord with the statement of Edmund Randolph.<sup>1</sup> He says:

"It has been seen that the friends of the Established Church were apprehensive of the force of their own principles, to which they had assented in the bill of rights, and how they were quieted by the assurances of Mr. Henry. But they were patriots who dreaded nothing so much as a schism among the people, and thought the American principle too pure to be adulterated by religious dissension. They therefore did in truth cast the establishment at the feet of its enemies."

Among the many petitions presented to the Assembly on this important subject, the splendid memorial of Hanover Presbytery, which was believed to have been drawn, as well as presented, by Reverend Caleb Wallace, was by far the ablest paper. This, with the memorial of the Presbytery against a general assessment, which bears date April 25, 1777, left little for Mr. Jefferson to do in subsequently drafting the "Bill for Establishing Religious Freedom." A comparison of these memorials with Mr. Jefferson's famous bill reveals the fact, that the Presbytery, representing the Presbyterians of the State, had expressed with remarkable precision, and force, the proper relations of Church and State, before the great statesman had drafted his act defining those relations,<sup>2</sup> and that

<sup>1</sup> Manuscript History of Virginia.

<sup>2</sup> See Foote's Sketches of Virginia, 323, 326, 346, where these memorials and Jefferson's bill are given.

the act was no advance on the positions taken by the Presbytery. Indeed, both the memorials and Jefferson's bill are but echoes of the noble plea for religious liberty made by Milton, in his "Treatise of Civil Power in Ecclesiastical Causes," and "Considerations touching the likeliest means to remove Hirelings out of the Church."

The act passed at this session reserved for the use of the Episcopal Church the glebe lands of which they were in possession, though bought with public levies, and this was not opposed by Mr. Jefferson, as appears by his reporting a bill to the same effect in the revision.

The Assembly on meeting evidently thought the State was in no immediate danger of an invasion by the British. The Governor and Council, after conference with Generals Lewis and Stephen, had called out twenty-six companies of Militia, and five companies of minute men, on September 25, to take the place of the three regiments of Continental troops ordered to join General Washington in New Jersey, but the Assembly on October 12, recommended that the order be countermanded. On November 21, the Governor was informed, by express, that upward of one hundred sail of the enemy's ships had left New York for the South, and the militia from the tide-water portion of the State was again called out; but no attack was then made on Virginia by the British fleet, and on December 7, the cavalry of the State was ordered to join General Washington, under a resolution of the Assembly. Upon receiving the requisition of Congress for fifteen regiments to serve during the war, the Governor and Council, anticipating difficulty in

promptly filling the requisition, stopped the recruiting officers of South Carolina and Georgia from raising soldiers in Virginia to meet their Continental quotas; but the Assembly subsequently granted the liberty, the order in reference to the Georgia officers being made as late as December 18. On the same day the Journal shows the following entry :

*“Resolved, That this House have great pleasure in observing with what cheerfulness and alacrity the volunteers in the county of Frederick have offered their service to join the Continental Army under his excellency General Washington, at a time they supposed important and critical; but as it is probable that the enemy have retired into winter quarters, the House would not wish their brave countrymen to march such a distance in this inclement season under a doubt whether there will be occasion for their services, but will rely on and call them if such occasion should happen.”*

Trusting that the British had gone into winter quarters, and perhaps to a report contained in the *Gazette* of December 13, of a victory gained in the Jerseys by Washington's army, the Assembly were under no alarm as late as December 19. The Journal shows no sign of uneasiness up to that date in the matters considered by the body. The House did not consider the state of the country in Committee of the Whole, from the 7th till the 18th of December, the only mode of considering matters relating to the war. On the 7th the Committee discussed and reported on the claims of certain persons for damages sustained from the soldiery, and on

the 18th, the departure from the State of British merchants, refusing to take the oath of allegiance, was discussed and ordered, and no other matter seems to have been before the Committee. On the 19th the House did not sit in committee. On the 20th the *Gazette* contained most alarming intelligence from the North.

After stating that no newspapers from Philadelphia came by the last weekly post, owing, it was believed, to the printers having fled from the city, it went on to say that: "Private letters advise that a division of General Howe's army was at Burlington, part at Trenton, and that another detachment had crossed the Delaware above Trenton, the whole comprising a body of between 12 and 15,000 men. That General Washington, with only 6,000 men, was a few miles distant from Howe's army, at a place called Bristol; that General Lee was to the northward, on the flank of the enemy, with about 4,000 men; and another body of troops were in Philadelphia throwing up intrenchments, and putting the city in a posture of defence. The General Congress were preparing to remove to Baltimore."

Now for the first time the Journal shows the House alive to the situation. On meeting and attending to some routine business, including the partial execution of an order for the election of regimental officers, which had been previously fixed by joint resolution for that day, the body "Resolved that this House will immediately resolve itself into a Committee to take into their consideration the state of America."

Not coming to a conclusion on that day, the House sat as a Committee of the Whole on the state



of America on the 21st, and reported the following resolutions, which were agreed to.

“It being of the utmost importance that the nine battalions heretofore raised in this commonwealth, and now in Continental Service, should be completed, and the six new battalions for the same service, as well as the three battalions on the pay of this commonwealth, raised with all probable expedition;

“*Resolved*, That it is earnestly recommended to the justices, the members of the county committees, the militia officers, and the other good people of this commonwealth, to use their best endeavors to forward and encourage the recruiting service, upon which the safety and happiness of their country depends;

“And whereas the present imminent danger of America; and the ruin and misery which threatens the good people of this Commonwealth, and their posterity, calls for the utmost exertion of our strength, and it is become necessary for the preservation of the state that the usual forms of government should be suspended during a limited time, for the more speedy execution of the most vigorous and effectual measures to repel the invasion of the enemy;

“*Resolved*, therefore, That the Governour be, and he is hereby fully authorised and empowered, by and with the advice and consent of the Privy Council, from hence forward, until ten days next after the first meeting of the General Assembly, to carry into execution such requisitions as may be made to this Commonwealth by the American Congress for the purpose of encountering or repelling the enemy, to order the three battalions on the pay of this commonwealth to march, if necessary, to join the Continental army, or to the assistance of

any of our Sister States, to call forth any and such military force as they shall judge requisite, either by embodying and arraying companies or regiments of volunteers, or by raising additional battalions, appointing and commissioning the proper officers, and to direct their operations within this Commonwealth, under the command of the continental generals, or other officers according to their respective ranks, or order them to march to join and act in concert with the continental army, or the troops of any of the United American States, and to provide for their pay, supply of provisions, arms, and other necessaries, at the charge of this Commonwealth, by drawing on the treasurer for the money which may be necessary from time to time; and the said treasurer is authorized to pay such warrants out of any publick money which may be in his hands, and the General Assembly will at their next session make ample provision for any deficiency which may happen. But that this departure from the constitution of government, being in this instance founded only on the most evident and urgent necessity, ought not hereafter to be drawn into precedent.

*“Resolved, also,* That the Governour be desired to transmit by express copies of these resolves to the American Congress, and to the neighboring States of Maryland and North Carolina, to satisfy them that we are exerting ourselves in defending the liberties of America.

*“Resolved,* That our Delegates be instructed to recommend to the consideration of Congress whether it may not be necessary and expedient in the present dangerous and critical situation of America, in order to give vigour, expedition, and secrecy to our military measures, to invest the commander-in-chief of the American forces with more ample and extensive powers for conducting the operations of the war; and that they will earnestly

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exhort the different Legislatures of the United American States to adopt the most speedy and effectual methods for calling their military force into action, and co-operating with the generals of the American armies."

These resolutions were sent immediately to the Senate, and were returned the same day with an amendment by which the words, "the usual forms of government should be suspended," were omitted, and the words, "additional powers be given the Governour and Council," were substituted in their stead. This was at once agreed to, and then the House adjourned, "until the last Thursday in March next, then to meet in the city of Williamsburg, or at such other place as the Governour and Council, for good reasons, may appoint," thus providing for the contingency of an invasion of the State.

In transmitting a copy of these resolutions to the executive of North Carolina, Governor Henry gave expression to the generous and patriotic feelings of Virginia in the following letter.

"W<sup>ILLIAMSBURG</sup>, Dec<sup>r</sup> 28<sup>d</sup>, 1776.

"SIR: By the inclosed you will perceive the Ideas of this Commonwealth on the subject of military things. We mean to act with vigour and upon a liberal plan. If your State shall be distressed, ours will gladly contribute to its Relief if possible. Our Interests are the same and our operations shall harmonize.

"No news on which I can depend has come here lately from the North. I judge that Philadelphia is now or shortly will be at the Mercy of the Enemy. The Middle States have not furnished

Troops in so great numbers as were expected. I trust your Commonwealth and ours will exhibit a different spirit. And altho' many Difficultys are to be encountered on the subject of necessarys, yet I hope we may muster a formidable Force by the Spring. For this purpose I think the earliest preparations should be made; and in conformity we are setting about this work immediately.

I have the honor to be Sir,

“yr. mo. hble. Servt.

“P. HENRY JR.”

(Addressed to)

The Honble. CORNELIUS HARNETT, Esq.

*President of the Committee of Safety,  
North Carolina.*

It was to the closing hours of this Assembly that Mr. Jefferson referred in his “Notes on Virginia,” when he said:

“In December 1776, our circumstances being much distressed, it was proposed, in the House of Delegates, to create a Dictator, invested with every power, legislative, executive and judiciary, civil and military, of life and of death, over our persons and over our properties.”

Girardin, in his continuation of Burk's “History of Virginia,” writing under Mr. Jefferson's eye,<sup>1</sup> repeats the statement, and says, that, “several of its members proposed and advocated the measure.” He adds, “It appears from concurring reports, that this dictatorial scheme produced in the Legislature unusual heat and violence. The members who favored, and those who opposed it, walked the streets on different sides.”

<sup>1</sup> See Jefferson's Memoir.


Mr. Wirt, who was in constant communication with Mr. Jefferson while he wrote his sketch of Governor Henry, and who obtained Mr. Jefferson's corrections and approval of the manuscript before its publication,<sup>1</sup> also repeats the statement, and adds: "That Mr. Henry was thought of for this office has been alleged, and is highly probable; but that the project was suggested by him, or even received his countenance, I have met with no one who will venture to affirm. There is a tradition that Colonel Archibald Cary, the speaker of the Senate, was principally instrumental in crushing this project; that meeting Colonel Syme, the step-brother of Colonel Henry, in the lobby of the House, he accosted him very fiercely in terms like these: 'I am told your brother wishes to be dictator; tell him from me, that the day of his appointment shall be the day of his death—for he shall feel my dagger in his heart before the sunset of that day;' and the tradition adds, that Colonel Syme, in great agitation, declared, that if such a project existed, his brother had no hand in it, for that nothing could be more foreign to him, than to countenance any office which could endanger in the most distant manner the liberties of his country.' The intrepidity and violence of Colonel Cary's character rendered the tradition probable, but it furnishes no proof of Mr. Henry's implication in the scheme. It is most certain, that both himself and his friends have firmly and uniformly persisted in asserting his innocence."

These several accounts seem to have been the source of all that has been written about this

<sup>1</sup> Kennedy's *Life of Wirt*, i., 407-417.

incident, and if not directly traceable to Mr. Jefferson, certainly they have his approval. The same authority which connects Governor Henry's name with the scheme, relieves him of all implication in it, and his innocence is further shown by the fact of his re-election, without opposition, as Governor a few months afterward.

But the Journal of the Assembly, taken in connection with the history of the times, makes it apparent that the matter has been greatly misrepresented. Washington's retreat through the Jerseys ended on December 8, but owing to the poor arrangements existing for the transmission of intelligence, it seems that the Virginia Assembly did not realize the danger which threatened the State until December 20. Their Journal shows this very plainly. They were then on the eve of adjournment, and the discussion as to what had best be done was confined to that day and the next. The result reached was an increase of the powers of the Governor and Council, to enable them to prepare for the defence of the state, and a recommendation to Congress to enlarge the powers of General Washington. The short time consumed in this discussion precludes the idea of unusual heat and violence, and of the formation of parties so bitter toward each other as to walk the streets on different sides, as related by Girardin; nor would this be likely where so great disparity existed in numbers as is given by this writer, who describes the advocates of the scheme as "several members." It must be remembered too that Mr. Jefferson, the only contemporary who has considered the matter of sufficient importance to be recorded, was not present, having left his seat on



December 5.<sup>1</sup> It is very probable that the matter was not seriously contemplated, and was but the expression of some alarmed member, which met with no encouragement from firmer minds, or it may be that the whole story arose from some sneering remark of Colonel Cary. It is evident that in the minds of those who have repeated the charge, the term "Dictator" has been used to mean one who exercises extraordinary powers, rather than one who is vested with absolute powers. It was in such a sense that the word was applied to Washington in the debates in the Virginia convention of 1788, when reference was made to his extraordinary powers. The powers of Congress existing over Virginia, as well as those of the Assembly, and the Continental Army under Washington being the safeguard of the continent, it would have been the dream of a madman indeed, to have constituted one man a dictator for Virginia, unless that man was the General commanding the Continental Army. That the Assembly realized the superiority of General Washington's position is manifest in the resolutions they adopted asking that his powers be increased, and these set at rest the tradition as to Governor Henry.

The extraordinary powers actually vested in Governor Henry and his Council were not as great as those vested subsequently in the executive, while Mr. Jefferson was Governor,<sup>2</sup> but Governor Henry was the more fortunate of the two in exercising them to the satisfaction of the public. It is evident that the Assembly in both instances deemed their action extra-constitutional, and only justified by the

<sup>1</sup> Randall's Jefferson, I., 205.

<sup>2</sup> Hening's Statutes at Large, x., 309.

emergencies of the war; and as Mr. Jefferson himself exercised these extra-constitutional powers, he might very properly have omitted the severe strictures he has left, in his "Notes on Virginia," upon those who, upon his own statement, advocated a departure from the Constitution only greater in degree. Besides, the extraordinary powers vested by these resolutions, which seem so necessary under the circumstances that they should not excite comment, the Executive had been vested by the Convention of May 1776, with all the powers previously given to the Committee of Safety, and these were continued by acts passed at subsequent sessions.



## CHAPTER XX.

### GOVERNOR OF VIRGINIA.—FIRST TERM.—1777.

Re-enlistment of Virginia Troops.—Difficulties Besetting the Executive.—Efforts of Governor Henry to Fill up Virginia's Quota of Troops.—Correspondence with Lee and Washington.—A Draft Ordered.—Indian Hostilities.—British Subjects Sent Out of Virginia.—Meeting of Assembly.—Confidential Letter of Washington to the Governor.—Acts of the Assembly.—Unanimous Re-election of Patrick Henry as Governor.—Attack upon Richard Henry Lee in the Assembly.—His Triumphant Vindication.—Governor Henry Visits his Home, and Arranges for his Second Marriage.

THE extraordinary powers vested in Governor Henry and the Council were needed in the execution of the all-important duty of making up the Continental contingent of troops, and those needed for State defence. The Governor had seen the danger which would beset the cause when the term of the first enlistments expired, and the enthusiasm with which the people had first rushed to arms would be cooled by the hardships and privations of war. As early as July 27, 1776, the Council, in consideration of the fact that the terms of the First and Second Regiments would soon expire, recommended to their commanding officers to take steps at once to re-enlist the men for three years, and fill up any vacancies by other recruits. It was with the highest gratification that the Governor learned, a few days afterward, that the soldiers of the First Regiment, which had been his special command,

had determined to re-enlist, and desired to be sent to General Washington's army. On August 5, the Council noted these facts, and gave permission to fill some vacancies in the ranks out of the minute men in service. The patriotic example thus set was followed in the other regiments with more or less unanimity. But in addition to filling up the ranks of the nine regiments in Continental service, six new regiments were to be raised to complete the quota required by Congress. Every nerve was now strained to accomplish this, but for fear the State might be invaded, the Governor and Council deemed it best to call for volunteers in addition. On December 26, 1776, the Governor issued his proclamation calling for volunteers "willing to engage in the defence of this State, or march to the assistance of any other, should the exigency of things demand it."<sup>1</sup> Finding afterward that this interfered with the enlistment of the regular troops, the Council on February 19, following, directed another proclamation to be issued countermanding the volunteer enlistments, and urging the completion of the battalions required by Congress.<sup>2</sup>

A graphic picture is drawn of the condition of affairs in Virginia at the beginning of 1777 in the following letter to Richard Henry Lee.

"WILLIAMSBURGH, V<sup>a</sup>, January 9, 1777.

"I congratulate you my dear Sir on our well timed success at Trenton. I trust the honor of our arms will be retrieved.

"Our levies go on pretty well in many places; in

<sup>1</sup> American Archives, Series 5, vol. iii., p. 1425.

<sup>2</sup> This appeared in the Gazette of February 21, 1777.

some the great want of necessary clothing & blankets, retards them. Orders issue this day for the officers to hold themselves & soldiers ready to march by companies & parts of companies, & in a little time they'll go off, but in want of every thing.

"I observe our people (a few excepted) are firm & not to be shaken. A great number of volunteers may be had. I hope all the enlistments may be filled, but doubt if it can soon be done. I am endeavoring at vigor measures. Languor seems to have been diffused thro' the Naval department. However I hope it will mend. The Cherokees are humbled, but I fear hostility about Pittsburg in the spring, & have provided ammunition and provisions in that quarter, & shall be able to muster a formidable militia thereabouts. The powder is not yet sent, but I wait only for the result of a council of war where to deposit it. Our sea coasts are defenceless almost. Arms & woollens are wanted here most extremely. We are making efforts to secure them. I do indeed pity your situation. I guess at the many perplexities & difficulties that attend you. I know how much the vigorous counsels of America are indebted to you for their support. I know how much you detest the spirit of indecision and lukewarmness that has exposed our country to so much peril. Let me tell you that altho' your fatigue is almost too much to bear, yet you must hold out a little longer. Many people pretend they perceive errors in Congress, & some wicked ones are greatly pleased at the hopes of seeing the respect due to that assembly succeeded by contempt.

"Make my most affe. compliments to Col. Frank.<sup>1</sup> Has he forgot me? Indeed he may ask me the same. Tell him that from morning till night I have not a minute from business. I wish it may

<sup>1</sup> Colonel Francis Lightfoot Lee.

all do, for there are a thousand things to mend, to begin.

"Adieu my dear Sir, & believe me your affectionate, humble servant,

" P. HENRY.

" To RICHARD HENRY LEE, Esq., at Congress.

"P.S. I beg you'll tell me what is the best method for doing justice to Gen. Stephen as to his rank. I think he ought to be raised above his present rank."

The expectation of filling up the new regiments speedily, was doomed to disappointment. Men hesitated to enlist for a long or for an indefinite period, to be engaged in distant operations, when their own families were left unprotected, as was the case more especially along the western frontier and on the sea coast, the one being liable to attack from the British fleet, and the other from the savages. At first Governor Henry, who exerted himself to the utmost to meet the requisition promptly, blamed the Continental recruiting officers. In writing the following letter to Richard Henry Lee, he disclosed some of the difficulties which surrounded him.

" W<sup>MBURGH</sup>, March 20, 1777.

"DEAR SIR: Every possible method has been taken to hasten the march of the new Levys. I am sorry to observe a remissness among the officers, over whom the executive of this country can exercise no command in the opinion of most people. Indeed they have a general want of necessarys to struggle with. But they do not in general exert themselves as they ought. I've sent express twice to each colonel, & besides have had public advertisements repeatedly in the papers. All won't do. They are remiss. I guess two-thirds of the

continental Recruits are enlisted, but in broken Quotas. Our three Battalions are more than half full. The enlistments for Georgia (agt. my opinion permitted by the assembly) have greatly hurt ours. A fellow called the 'Dragging Canoe,' has seceded from the nation of Cherokees & 400 Warriors have followed his fortune, lying in the Woods & making War on us notwithstanding the peace made with Col. Christian. We have a Treaty on foot still with that people. Orders were issued a few days since for destroying Pluggy's Town. Three hundred Militia are ordered on that service from the Neighbourhood of Fort Pitt. Five swift sailing Boats are gone for arms to the West Indies. Our Factorys are making some. Perhaps we may arm our own Troops & some others, especially if the importation succeeds. A French ship & 2 Briggs are lately arrived here. 'Tis said they've warlike stores. If so my next will tell, as I've sent to purchase them—I hear to-day the people on the Eastern Shore are very uneasy, and that from the great number of disaffected in Maryland and Delaware the Whigs of Virginia are inclined to move away their Familys. I suppose the number is small and those of the richer sort. The poor can't remove. The affairs of that shore puzzle me. Pray advise me what it is best to do. What can be the reason of no mails from the North? Adieu my dear friend. May your powerful assistance be never wanted when the best Interests of America are in Danger. May the subterfuges of Toryism be continually exposed and counteracted by that zeal and ability you have so long displayed, to the peculiar Honor of your native country, & the advantage of all the United States.

"I am,

"Yr. ever aff<sup>o</sup>.

"P. HENRY JR.

"TO RICHARD HENRY LEE, *at the Congress.*"

Eight days afterward the Governor wrote to his friend in Congress, complaining of another difficulty which had arisen and threatened to thwart his purposes. The great depreciation of the paper money which constituted the currency, had enabled men, whose avarice exceeded their patriotism, to engross the articles needed for the army, the scarcity of which had so retarded enlistments. In order that a stop might be put to this, the Governor wrote the following letter :

“ WILLIAMSBURG, March 28<sup>th</sup>, 1777.

“ DEAR SIR : The practise of engrossing all foreign goods & Country produce has gotten to an enormity here, particularly in the latter articles. Corn flour and meat are bought up (as I was informed by Col. Aylett) in so much that it is almost impossible to furnish the public demands, in such time as the necessities of the army require. A gentleman here in partnership with Mr. Morris, has speculated very largely in such articles as the army wants. The public agent complains he is anticipated. I hope the practise will be effectually stopped, or fatal consequences must ensue. I write to the General that our enlistments go on badly, Indeed they are almost stopped. The Georgia Service has hurt it much. The terrors of the smallpox, added to the lies of deserters and the want of necessarys, are fatal objections to the continental Service. Perhaps two-thirds of the six new Battalions are enlisted, but in broken quotas scattered far and wide, they move slowly. How long will you sit at Philadelphia? I fear you will come away again before the campaign is long begun. I heartily pray for your prosperity and welfare, and as the messenger waits I must conclude this scrawl from

“ Yr. aff<sup>d</sup>. friend,

“ P. HENRY JR.

“ Can you tell us nothing from France ?

“ To RICHARD HENRY LEE, *at Congress.*”

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On the next day the following letter was written to General Washington, setting out more in detail the causes of failure in raising Virginia's full quota of Continental troops, and suggesting a resort to short enlistments to make up the deficiency.

“ WILLIAMSBURG, 29 March, 1777.

“ SIR : I am very sorry to inform you, that the recruiting business of late goes on so badly, that there remains but little prospect of filling the six new battalions from this State, voted by the Assembly. The board of Council see this with great concern, and, after much reflection on the subject, are of the opinion that the deficiency in our regulars can no way be supplied so properly as by enlisting volunteers. There is reason to believe a considerable number of these may be got to serve six or eight months. But, as you were pleased to signify to me that great inconveniences had arisen by the admission of transient troops at the camp, the board do not choose to adopt the scheme of volunteers, until we are favored with your sentiments on the subject. I believe you can receive no assistance by drafts from the militia. From the battalions of the Commonwealth none can be drawn as yet, because they are not half full.

“ The volunteers will consist of men chiefly from the upper parts of the country, who would make the best of soldiers could they continue so long in the service as to be regularly disciplined. They will find their own arms, clothes, and blankets, and be commanded by captains and subalterns of their own choosing ; the field-officers to be chosen by the others. They will be subject to the Continental Articles of War, and I believe will be as respectable as such a corps can be expected, without training. I cannot speak with any certainty as to their num-

bers. In a very little time, seven companies were made up in Augusta. In the other counties no great progress was made, because Government stopped it, on being informed that it was a prejudice to the regular enlistment. But on the failure of this, the other may be revived, I believe, with success. Virginia will find some apology with you for this deficiency in her quota of regulars, when the difficulties lately thrown in our way are considered. The Georgians and Carolinians have enlisted probably two battalions at least. A regiment of artillery is in great forwardness. Besides these, Colonels Baylor and Grayson are collecting regiments, and three others are forming for this State. Add to all this our Indian wars and marine service, almost total want of necessaries, the false accounts of deserters, many of whom lurk here, the terrors of the smallpox, and the many deaths occasioned by it, and the deficient enlistments are accounted for in the best manner I can.

“As no time can be spared, I wish to be honored with your answer as soon as possible, in order to promote the volunteer scheme, if it meets your approbation. I should be glad of any improvements on it that may occur to you. I believe about four of the six battalions may be enlisted, but have seen no regular return of their state. Their scattered situation, and being many of them in broken quotas, is a reason for their slow movements. I have issued repeated orders for their march long since. With sentiments of the highest esteem and regard, I have the honor to be, Sir,

“Your most obedient and very humble servant,

“PATRICK HENRY, JR.

“To His Excellency GENL. GEO. WASHINGTON.”

General Washington replied on April 13, 1777,<sup>1</sup> commencing his letter as follows:

<sup>1</sup> Post, vol. iii., 60.



“It gives me much concern to hear that the recruiting service proceeds so slowly in most of the states. That it is the case in Virginia affects me in a peculiar manner. I feel myself much obliged by the polite respect your Honorable Board of Council are pleased to show to my opinion, and am under the necessity of observing that the volunteer plan, which you mentioned will never answer any valuable purposes, and that I cannot but disapprove the measure.”

’ He then proceeded to state in detail his objections to the plan, and it was at once abandoned.

It appears by this reply that the recruiting service had proceeded slowly in most of the States, and Virginia was not alone in failing to make up promptly her quota of Continental troops. Her excuse as stated by her Governor, relieves her of the charge of indisposition to fight for the liberties she claimed, and we shall see that the enemy recognized her to be, as she undoubtedly was, one of the greatest sources of supply of the fighting men of the war.

When the Assembly met in May, 1777, Governor Henry recommended, and the body enacted, a law directing a draft to be made to complete the six additional regiments called for, in case they were not filled by August 1.<sup>1</sup> This enabled the Governor to complete the regiments required.

The order to destroy Pluggy’s Town, an Indian village beyond the Ohio, was caused by the continuous hostilities of its inhabitants, which induced Congress to refer to the Virginia Executive the question of making war upon them. On March 12, 1777, the Council entered a minute on the subject,

<sup>1</sup> Henning’s Statutes at Large, ix., 275.

which contained an order for the expedition after a conference with the chiefs of the Delawares and Shawnese, through whose country the expedition would pass, in case these friendly tribes made no objection. The order was sent to George Morgan, superintendent of Indian affairs, and to Colonel John Neville, or in case of his absence to Colonel Robert Campbell, at Pittsburg, and was enclosed with a letter from the Governor dated March 12, 1777, which shows great caution and humanity, and at the same time a determination to put a stop to the Indian depredations. This communication was answered by Messrs. Morgan and Neville in a letter of April 1,<sup>1</sup> which represented the danger of stirring up a general Indian war by such an expedition, in such strong terms as caused the abandonment of the enterprise. They advised measures for pacifying, instead of punishing the Indians, until the British were driven out who were inciting hostilities through their emissaries.

The Assembly by resolution<sup>2</sup> had requested the Executive to cause the departure from the commonwealth of all British subjects who manifested hostility to the American cause. These consisted almost entirely of merchants who represented British houses. The Executive was directed to furnish them their passage in vessels in the employment of the State, when they were unable to procure other means of departure. To enable the Executive to execute properly this delicate trust, the justices of the county courts were required to make inquiry for all such subjects in their respective counties, to cause their names to be entered upon record and to

<sup>1</sup> Post, vol. iii., 46 and 54.

<sup>2</sup> Journal, p. 139.

be transmitted to the Governor. The execution of this resolution required the greatest firmness as well as discretion, and the Governor was not able fully to comply with it before the latter part of May, 1777, when we find him sending a flag to the British officer commanding the Albion, with the request that the remnant of these exiles be permitted to embark in his ship.<sup>1</sup>

Although there was no attack on Virginia from the sea, during the first term of Governor Henry, there were frequent reports of movements of the British Navy which caused apprehension, the more serious because, from the great extent of the water front, it was impossible to guard the coast so as to prevent a landing. These apprehensions caused the Executive to keep up a considerable marine force, and to keep the militia in the adjoining counties in readiness to obey any sudden call.

On May 5, 1777, the Assembly met at Williamsburg with Mr. Jefferson among its members, and the leader of the body, as plainly appears by the Journal. On his nomination George Wythe was elected Speaker over Robert Carter Nicholas and Benjamin Harrison, and before the 20th of the month, when he was called away by the sickness of his wife, he had introduced much of the important business of the session.

General Washington in view of the meeting wrote to Governor Henry, on May 17, a long and confidential letter in the interest of the army.<sup>2</sup> This was transmitted to the House with one of the several messages sent in by the Governor which had so much influence in shaping the action of the body.

<sup>1</sup> Executive Journal, 424.

<sup>2</sup> See post, vol. iii., 70.

Among the most important laws of this session may be cited<sup>1</sup> the acts for regulating the militia, for completing the State's quota of Continental troops, for requiring all males above sixteen to take the oath of allegiance, for establishing loan offices for the use of the United States and of the State, for providing against invasions and insurrections, for the support of the credit of the paper money issued by Congress and by the State, for the encouragement of the manufacture of iron and salt, for further suspending the tax for the clergy, and for removing the public records to Richmond, as a place of greater safety.

It will be remembered that the Assembly at its previous session postponed the question of an assessment for the support of religion, and invited an expression of the wishes of the people on the subject. The Journal only shows three responses to this invitation. Two from sundry inhabitants of Cumberland<sup>2</sup> and Mecklenburg Counties,<sup>3</sup> were favorable to an established church. The third was from the Presbytery of Hanover<sup>4</sup> against any assessment for the support of religion.

On May 29, the body proceeded to elect a Governor for the second term. So completely had Mr. Henry filled public expectation that all opposition to him had vanished. No one was put in nomination against him, and he was appointed Governor for the year commencing with the end of the session, by joint resolution without ballot.<sup>5</sup>

A committee, with Mr. Richard Lee as chairman, were directed to notify him of his appointment, and

<sup>1</sup> Hening's Statutes at Large, ix., 267, etc.

<sup>2</sup> Journal, 48.

<sup>4</sup> Journal, 72.

<sup>3</sup> Journal, 36.

<sup>5</sup> Journal, 49.

they reported June 5, through Mr. Lee, the following happily expressed reply :

“GENTLEMEN: The signal honour conferred on me by the General Assembly in their choice of me to be Governor of this commonwealth, demands my best acknowledgments, which I beg the favour of you to convey to them in the most acceptable manner.

“I shall execute the duties of that high station, to which I am again called by the favor of my fellow-citizens, according to the best of my abilities, and I shall rely upon the candour and wisdom of the Assembly, to excuse and supply my defects. The good of the commonwealth shall be the only object of my pursuits, and I shall measure my happiness according to the success which shall attend my endeavours to establish the public liberty. I beg to be presented to the Assembly; and that they and you will be assured, that I am with every sentiment of the highest regard, their and your most obedient and humble servant,

“P. HENRY.”

This action of the Assembly completely puts to rest the insinuation made after his death, that Governor Henry had aspired to dictatorial powers, which were “only disclaimed under a threat of assassination.” The men who composed the Assembly of December, 1776, largely composed that of May, 1777, and Colonel Cary, who is said to have uttered the threat, was still the President of the Senate. Had Mr. Henry been even suspected of aspiring to absolute power, he would not have been re-elected without opposition. It must be remembered too that Mr. Jefferson, who afterward so

bitterly denounced the alleged scheme, was in this body, a leading member, and though not present at the election, he would not have been so unfaithful as not to have organized opposition to this would-be tyrant, before he left his seat. So far from this we shall find him the next year, if not renominating Mr. Henry, yet taking an active part in his re-election.

There occurred at this session an incident which gave the Governor the deepest pain, as it seemed for the moment to place a stigma upon the fair name of one of his most intimate friends, and one of the purest patriots of the Revolution.

The great talents and effective labors of Richard Henry Lee in the cause of America had not only excited the enmity of the Tories, but had aroused the jealousy of some of the less gifted patriots. Hearing that his name had been mentioned in the House with some discredit, he wrote from Philadelphia, November 3, 1776, to Mr. Jefferson, a letter which contained the following paragraph:<sup>1</sup> "I have been informed that very malignant and very scandalous hints and innuendoes concerning me have been uttered in the House. From the justice of the House I should expect they would not suffer the character of an absent person to be reviled by any slanderous tongue whatever. When I am present I shall be perfectly satisfied with the justice I am able to do myself. From your candor, sir, and knowledge of my political movements, I hope such misstatements as may happen in your presence will be rectified." Unfortunately for Colonel Lee his reliance was misplaced. On May 12, 1777, in view

<sup>1</sup> Campbell's History of Virginia, 682. Girardin, Appendix 17.

of the approaching election of delegates to Congress, Mr. Jefferson introduced a bill "for regulating the appointment of delegates to General Congress," which with some amendments, not affecting its principles,<sup>1</sup> passed both Houses, and was designed to defeat the re-election of Colonel Lee. It declared a delegate who had served three years continuously to be ineligible till after the lapse of one year.<sup>2</sup> This applied solely to Colonel Lee, no one else having served the State three successive years in Congress. The injurious rumors circulated about the absent patriot caused the Assembly to take this method to get rid of him without seeming to defeat him. But when the election was had, May 22, his friends required the body to vote against him, by putting his name in nomination for each of the five places in the delegation. The sickness of General Nelson, and the presence of Mr. Wythe in the Assembly, had left an unusual amount of work upon Colonel Lee and detained him in Philadelphia. On hearing of his defeat he sat down at once and wrote a letter to Governor Henry, dated May 26, 1777, which contains a full vindication of himself.<sup>3</sup>

This letter discloses the fact that already there had sprung up those interstate jealousies which have proved so baneful to the welfare of the United States. Not content, however, to rest under the injustice done him in his absence, Colonel Lee obtained leave of absence from Congress on June 5, and repaired to Williamsburg, where he took his seat in the As-

<sup>1</sup> Randall's *Life of Jefferson*, i., 209. The limit of continuous service was put at two years by Mr. Jefferson.

<sup>2</sup> Henning's *Statutes at Large*, ix., 299.

<sup>3</sup> See post, vol. iii., 73.

sembly. On June 20, he asked for an investigation of the matters which had been alleged against him. The inquiry was conducted in the presence of the Senate, and was a most impressive scene. After hearing several witnesses, Colonel Lee was heard in his own defence. A member present, who classed himself among Colonel Lee's opponents, thus speaks of this speech:<sup>1</sup> "Certainly no defence was ever made with more graceful eloquence, more manly firmness, equalness of temper, serenity, calmness, and judgment, than this very accomplished speaker displayed on this occasion." The result was a triumphant vindication. The House at once voted its thanks to Colonel Lee for "his faithful services" to his country, as one of its delegates to Congress, and the venerable George Wythe, the Speaker, in rendering them, added his personal testimony to the patriotic zeal which had marked his course,<sup>2</sup> and was so overcome with feeling as to shed tears in making his address.

So complete was the triumph of Colonel Lee that, upon George Mason's declining to act as a delegate a few days afterward, he was elected in his place in the face of the act just passed.<sup>3</sup> The Assembly elected John Page, Dudley Digges, John Blair, Bartholomew Dandridge, Thomas Walker, Nathaniel Harrison, Thomas Nelson, Jr., and David Jameson, members of the Executive Council.

Before entering on his second term Governor Henry retired a few days to his home, to arrange his private matters. The Journal shows his absence from June 20, to July 2. It was during this visit,

<sup>1</sup> Colonel John Banister. Bland papers, i., 58.

<sup>2</sup> Journal, 84.

<sup>3</sup> Journal, 94.



doubtless, that he addressed Dorothea, daughter of Nathaniel West Dandridge, his neighbor, as in a letter of Colonel William Christian, dated August 12, his marriage to her is referred to as soon to come off.

## CHAPTER XXI.

### GOVERNOR OF VIRGINIA.—SECOND TERM.—1777-8.

Vigorous Measures of British Ministry.—Plan of Campaign.—Battle of Saratoga.—Battle of Brandywine.—Occupation of Philadelphia.—Treaty with France.—Effect in England.—Death of the Earl of Chatham.—Serious Effect in America of the Depreciation of the Currency.—Proclamation of Governor Henry.—His Effort to Sustain Public Credit.—To Recruit the Army.—To Protect the Coast.—Correspondence with Washington.—Attempt to Engage Governor Henry in Plot to Supersede Washington.—His Patriotic Conduct.

THE second term, upon which Governor Henry now entered, was the period in which the successful issue of the Revolution was assured. The memorable events which were crowded into it not only made certain the independence of the United States, but secured the Mississippi as their western limit, thus opening the way for their subsequent advance to the Pacific Ocean. Nor were they less marked in their effect upon Europe. Through the French alliance American ideas were transported to France. But mixed there with infidelity, liberty soon turned into license, and the French Revolution afterward burst forth with a fury which alarmed, while it shocked, the civilized world.

The British Ministry, deeply chagrined that its army and navy had not reduced America to subjection, determined on more vigorous measures. In February, 1777, Lord George Germaine, the minister having charge of American affairs, introduced a bill

for the suspension of the Habeas Corpus Act, and the arrest of all persons suspected of treason or piracy, crimes which were imputed to those resisting the British authority on land and sea. This bill, though resisted by the minority, who still stood nobly for America, was passed in both houses by the usual ministerial majority. Its object doubtless was to intimidate, but it utterly failed of its mark. R. H. Lee gave expression to the feeling with which it was received in America, when referring to it in his letter to Governor Henry, of May 6, he said: "It is an acrimonious and foolish display of tyranny." The contempt felt for it on the land was shared by the gallant sailors who harassed British commerce on the sea, and found friendly ports for their prizes on the coast of France.

The British forces serving in America were increased to 48,000,<sup>1</sup> and a plan was adopted for the campaign of 1777, which was well calculated to subdue the New England States; and when this was accomplished, it was believed the others would be easily subjected in detail. The plan determined on was to send an army from Canada, which should march down the course of the Hudson, and unite at Albany with a force to be sent up the river from New York. This united army, having thus cut off the Eastern from the other States, was to devote itself to the work of subjugating New England. The army under Washington was in the meantime to be detained near Philadelphia by a demonstration in force against that city. The army from Canada was entrusted to the accomplished Burgoyne, who, with Germaine and the King, had

<sup>1</sup> So stated in the Parliamentary debates.

arranged the plan, and who, besides a picked body of regulars and German mercenaries, was largely reinforced by Canadians and Indians. His army was estimated at between 8,000 and 10,000 men. It was the employment of these Indians which occasioned the eloquent denunciation of the ministry by Burke and Chatham, in which the latter declared that<sup>1</sup> "such a mode of warfare was in his opinion a contamination, a pollution of our national character, a stigma which all the waters of the rivers Delaware and Hudson would never wash away; it would rankle in the breast of America, and sink so deep into it that he was almost certain they would never forget nor forgive the horrid injury."

This employment, instead of aiding the invasion, went far toward effecting its defeat. Burgoyne indeed attempted to impress upon the Indians the necessity of waging war upon principles of civilization, but in order to intimidate the Americans, he issued a proclamation denouncing woe upon all persisting in rebellion, and threatening them with the horrors of Indian warfare. This, instead of intimidating, aroused the indignation of the people he invaded, and caused them to put forth every effort to destroy his army. Burgoyne marched from St. John June 16, 1777, and at first met with success, driving before him the weak forces posted along the lakes. But his triumphant career was soon checked. St. Leger, sent by him to reduce Fort Stanwix, was forced to retreat after abandoning his stores, and a large force sent under Colonel Baum to capture some provisions collected by the Americans at Bennington, was signally routed, August 16, by a body of

<sup>1</sup> Hansard : Parliamentary History, xix., 489.

militia under General Stark. It was in reference to this victory that Governor Henry, with a noble spirit, wrote to Richard Henry Lee, September 12, 1777: "I rejoice over our success over Burgoyne, and I rejoice because the New England men had so great a share in it. For a malevolent set are continually endeavoring to spread jealousys of these our honest, best, and most faithful allys. In proportion as I hear them traduced, my esteem for them increases. I hope now we shall hear no more to their prejudice. Indeed I am not a judge how far they have lately complied with the requisitions of Congress, but only speak of them as they stood when I was a member."

On August 19, General Schuyler, who had been in command of the Northern army opposing Burgoyne, was displaced by Congress, and General Gates was appointed in his stead. At his earnest solicitation, the army under Washington was weakened by sending him the splendid rifle corps commanded by Colonel Daniel Morgan, composed largely of Scotch-Irish from the valley of Virginia. Washington also furnished him with part of his artillery. General Gates took command of a fine army of upward of 18,000 men, including militia, while Burgoyne's forces had been reduced to about 6,000 by the desertion of the Canadians and Indians, and his supplies had become so nearly exhausted that he was forced to fight or retreat. General Clinton had left New York with the purpose of reducing the posts on the Hudson, and making a junction with Burgoyne; but the delay in starting and the difficulty of reducing the posts so retarded him, that Burgoyne despaired of timely aid from that source. Under

these circumstances the famous battle of October 7, 1777, was fought near Saratoga, which resulted in a complete victory for the Americans, and was followed on October 17, by the surrender of Burgoyne's army. In this battle Morgan's corps rendered great service. It was opposed by the right wing of the British, led by the gallant General Fraser, the favorite of his army. Morgan, noticing the influence of this officer in the battle, pointed him out to one of his riflemen, who brought him down with a shot, and the confusion which ensued was decisive of the battle. It is related of Burgoyne that when he was afterward introduced to Colonel Morgan, he grasped his hand and said: "Sir, you command the finest regiment in the world."

So important in its results was this victory that the battle has been included by Creasy among his "The Fifteen Decisive Battles of the World," as securing American independence.

While these important events were taking place in the North, the army under Washington was not idle. In the spring General Howe, with a greatly superior force, had vainly endeavored to draw Washington into battle, and had finally withdrawn from New Jersey to New York. From that city in August he embarked with 18,000 troops for Chesapeake Bay. Sailing up the bay he landed at the head of Elk and advanced toward Philadelphia. Washington, with an army of only 11,000 men, threw himself across Howe's path, and fought the battle of Brandywine, September 11, in which, while delivering a heavy blow to his antagonist, he was forced to leave him master of the field. Then fol-

lowed the occupation of Philadelphia by the British, September 27, and the spirited attack upon Howe at Germantown, October 4, which, but for the confusion produced by a fog, would have resulted in a brilliant victory for the Americans, and which prevented Howe from attacking Washington during the ensuing fall and winter—a winter memorable for the sufferings of the American army at Valley Forge, and the plot to supersede Washington, known as the Conway cabal. As the Virginia troops composed a large part of Washington's army, they were engaged in these several battles, and won great distinction by their valor and soldierly conduct.

The effect of these military operations in Europe was most important. On September 26, 1776, Congress had appointed Benjamin Franklin, Silas Deane, and Thomas Jefferson commissioners to the Court of France, charged with the duty of negotiating a treaty with that kingdom. Mr. Jefferson declining the appointment, Arthur Lee was substituted in his stead. Deane and Lee were already in Europe, and were joined by Franklin in December. His appointment was most fortunate. His reputation as a philosopher preceded him, and his simple manners, strong sense, and charming wit made him an object of general admiration, and greatly added to the popularity of the cause he represented; a cause which had already excited the sympathy of the French people. The commissioners were not publicly received, but, against the protest of Lord Stormont, the English Minister, they were allowed to reside near the Court, and assistance was secretly given to the American cause. But when news of the capture of Ticonderoga, the victorious march of Burgoyne toward

Albany, and the occupation of Philadelphia by Howe, reached Paris, the conduct of the French Court suddenly changed. American privateers were detained in port, the American agent concerned in fitting them out was thrown into the Bastille, the supplies previously furnished were stopped, and the English Minister was assured that the treaties between Great Britain and France would be faithfully observed. The American cause was believed to be lost both in England and on the Continent, and it is charged by the English historian, Creasy, that the American commissioners endeavored to open communications with the British Ministry, while they, in their elation, refused to listen to any overtures of accommodation. This statement is probably incorrect, but it is beyond doubt that they found the French Court indisposed to commit itself, under the fear that American independence could not longer be maintained by American arms.

On December 4, 1777, a special messenger brought the commissioners intelligence of the battles of Germantown and Saratoga. Upon its being communicated to the French Court, it at once determined the King to take the step so long desired by his people. On the 6th the commissioners were informed that France was ready to acknowledge the independence of the United States, and to enter into treaties of commerce and alliance. These were signed on February 6, 1778, but were kept secret till March, in order that preparation might be made for the open breach with England which their promulgation was sure to make. Information of the signing of the treaties was conveyed immediately, however, to his Government by the British Minister at Paris, and



the Ministry at once set to work to prevent, if possible, the union of America with the hereditary enemy of England. Keeping the information conveyed from Paris secret, Lord North, on February 19, agreeable to previous notice, introduced in the House of Commons conciliatory propositions, which abandoned all the pretensions of the Government toward America, on condition that the United States should give up independence and resume their relations as colonies, and provided for commissioners to convey these proposals to Congress and to the several State Legislatures.

In his speech the Minister declared that he had always been opposed to taxing America. It was said by one person present that "a dull melancholy silence for some time succeeded to this speech. Astonishment, dejection, and fear overclouded the whole assembly. It was generally concluded that something more extraordinary and alarming had happened than yet appeared, which was of force to produce such an apparent change in measures, principles, and arguments."<sup>1</sup>

The mystery was soon solved, for on February 23, Edward Gibbon wrote to a friend: "It is positively asserted, both in private and in Parliament, and not contradicted by ministers, that on the fifth of this month, a treaty of commerce, which naturally leads to war, was signed at Paris with the independent States of America. Yet there still remains a hope that England may obtain the preference. The two greatest countries in Europe are fairly running a race for the favour of America."<sup>2</sup>

<sup>1</sup> Hansard: *Parliamentary History*, xix., 767.

<sup>2</sup> *Diplomacy of United States*, i., 37.

In April a large French squadron under the Count d'Estaing sailed from Toulon for the American coast, to aid the United States, and to counteract the influence of the British commissioners, then about to sail with the conciliatory propositions.

On April 7, the Duke of Richmond moved in the House of Lords an address to the King, advising that the British forces be withdrawn from America, and conciliation be effected with the United States; in effect acknowledging their independence.

The Earl of Chatham had acted with the Rockingham party in opposing the measures of the Ministry toward America, but the dismemberment of the British Empire, which he had made so glorious, was abhorrent to his soul; and that such a dismemberment should be effected by France, her hereditary enemy, so signally humbled by him, added intolerable poignancy to the thought. Upon notice of the motion of his fellow-Whig, he arose from his sick bed and insisted on being carried to the House. A memorable scene occurred.<sup>1</sup>

Lord Chatham came into the House of Lords, leaning upon two friends, lapped up in flannel, pale and emaciated. Within his large wig little more was to be seen than his aquiline nose and his penetrating eye. He looked like a dying man; yet never was seen a figure of more dignity; he appeared like a being of a superior species.

He rose from his seat with slowness and difficulty, leaning on his crutches, and supported under each arm by his two friends. He took one hand from his crutch and raised it, casting his eyes toward heaven, and said, "I thank God that I have been

<sup>1</sup> Hansard: Parliamentary History, xix., 1030.

enabled to come here this day to perform my duty, and to speak on a subject which has so deeply impressed my mind. I am old and infirm—have one foot, more than one foot in the grave—I am risen from my bed to stand up in the cause of my country—perhaps never again to speak in this House!” The purport of this speech is well known. The reverence—the attention—the stillness of the House was most affecting; if anyone had dropped a handkerchief, the noise would have been heard.

At first he spoke in a very low and feeble tone; but as he grew warm, his voice rose, and was as harmonious as ever; oratorical and affecting, perhaps more than at any former period, both from his own situation, and from the importance of the subject on which he spoke. He gave the whole history of the American dispute; of all the measures to which he had objected; and all the evils which he had prophesied in consequence of them; adding at the end of each, “And so it proved!”

In one part of his speech he ridiculed the apprehension of an invasion, and then recalled the remembrance of former invasions. “Of a Spanish invasion, of a French invasion, of a Dutch invasion, many noble lords may have read in history, and some lords [looking keenly at one who sat near him] may perhaps remember a Scotch invasion.”

While the Duke of Richmond was speaking (in reply) he looked at him with attention and composure; but when he rose up to answer, his strength failed him and he fell backward. He was instantly supported by those who were near him, and everyone pressed around him with anxious solicitude. His youngest son, the Honorable James Pitt, was par-

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ticularly active and efficient in assisting his venerable father, though the youth was not more than seventeen or eighteen years of age. Lord Chatham was carried to Mr. Sergeant's house in Downing Street. From thence he was carried home to Hayes, and put to bed. He never rose again. Thus tragically passed off the stage the greatest of England's orators, and one of the grandest characters in history.

The motion of the Duke of Richmond was lost by a vote of 33 ayes to 50 noes. And the commissioners sailed only to fail utterly in their mission.

During this interesting period Governor Henry was a conspicuous figure, and acted an important part. He took the oath of office July 2, 1777, and was at once confronted by what proved to be the greatest danger which threatened the patriot cause during the Revolution, the depreciation of the paper money, State and Continental, which, unsupported by taxation, had been relied on to conduct the war. He had favored taxation to sustain the credit of the State,<sup>1</sup> but the legislature was afraid to impose it upon a people already heavily burdened, and contented itself by requiring paper money to be taken as the equivalent of specie. He had endeavored to use tobacco and other articles which could be exported, as a basis of credit, but the British blockade had prevented this effort from being effectual. He now found that the thirst for gain was inducing men to engross articles of prime necessity, with a view to a profit from the further depreciation of the currency, and that the Tories, open or disguised, were preventing the recruiting for the ranks by false rumors, which had also the effect of further depre-

<sup>1</sup> Letter of P. Henry to R. H. Lee.

ciating the currency, whose value depended on success. In order to prevent the disastrous results which were threatened, he issued on July 8, the following proclamation :

“Whereas I have been credibly informed that several persons are going about in different parts of this State—some of them in the guise of officers—engrossing the commodities of the country at the most extravagant prices, with a view, as is supposed, of depreciating our currency; and discouraging the people, moreover, by their false and injurious reports of the condition of our army, under his Excellency, General Washington, and of the general posture of our affairs, from engaging in the American service; to the end, therefore, that all such persons may be vigilantly inspected, and particularly that they may be obliged to give that security for their friendship, which the act of the last session requires of all persons coming within the State from any other of the United States; and that such of them as may appear to violate another act of a former session by discouraging people from enlisting as soldiers, may be brought to condign punishment; I have thought proper, by and with the advice of Council, to issue this my proclamation, hereby requesting all officers, both civil and military, within this Commonwealth, and other subjects thereof, to be aiding and assisting in this business, as they tender the welfare of their country, and as they shall answer the contrary at their peril.

“Given under my hand this 8th day of July, in the 2d year of the commonwealth, *Annoque Domini* 1777.

“P. HENRY.”

At the October session, 1777, the Assembly yielded to the advice of the Governor and imposed

a tax for the redemption of the paper money issued by the State.<sup>1</sup> It had the effect of staying in a measure the catastrophe to the currency which was surely approaching.

On November 22, 1777, Congress recommended to the several legislatures that they fix the prices of provisions, and thus prevent the extortion which was so injurious to the service. Accordingly the Virginia Assembly passed an act authorizing the seizure of all provisions in excess of what was needed for the consumption of families, the value to be fixed by three freeholders.<sup>2</sup>

The Governor lost no time in forwarding the new troops raised for the Continental army. On the day he entered upon his second term, he gave the necessary orders for raising the ten companies of artillery voted by the Assembly, and on July 8, he ordered Colonel George Gibson to march with the first battalion of fresh troops, which was now ready. This gallant officer had been sent in May, 1776, by General Charles Lee, to New Orleans, and had obtained from the Spanish Governor there twelve hundred pounds of powder, which his associate, Captain William Lynn, had safely conveyed up the rivers to Wheeling, while he had returned by the ocean. The appointment of colonel was now given him as a reward for this service.<sup>3</sup>

The Executive Journal, and correspondence of the Governor during his second term, attest his untiring energy in keeping up the State's quota of Continental troops. In this the Executive was heartily

<sup>1</sup> Hening: Statutes at Large, ix., 349.

<sup>2</sup> Ibid., ix., 386.

<sup>3</sup> House Journal for June 28, 1777, p. 147.

it was ordered that 2,000 in addition to the State's quota, 1, 1779.<sup>1</sup> Besides this, force defence of the State on its borders.

In August, 1777, while Hanover, doubtless making approaching marriage, the 1 off the Virginia coast with A messenger was at once des Governor to Williamsburg, panies of militia were immed placed under the command Nelson. The call was respo Among the troops which off composed of the students at College, commanded by Rev. i dent of the college and after of Virginia.

While the destination of th the Governor took every pre coast, and ordered the arrest i threatened portion of the Sta

act was passed to indemnify the Governor and Council therefor.<sup>1</sup>

The fleet, after entering the bay, steered northward without touching on Virginia soil, and the British forces landed at the Head of Elk preparatory to their march upon Philadelphia. In obedience to a call from Congress, a third part of the militia of Prince William, Loudon, Fairfax, Culpepper, Fauquier, Berkeley, Dunmore,<sup>2</sup> and Frederick Counties were ordered to rendezvous at Fredricktown, Md., and report to General Washington, and they aided him in his subsequent engagements with Howe.

The efforts of Governor Henry to aid General Washington in the campaign which followed the landing of the British, and the quality of his patriotism, cannot be better illustrated than in the following letter :

“WILLIAMSBURG, October 29, 1777.

“SIR : The Regiment of Artillery commanded by Colonel Charles Harrison is yet in this State. They have been detained here, under leave of Congress, to do Duty at Portsmouth and York, near which Places the Enemy's Ships of War have been long hovering. At present, seven Men of War & three large Transports or provision Vessels, are in and near Hampton Road. The Troops of the State are so few, that the Defence of our maritime places will be precarious in the absence of that Regiment.

“Militia must in that Case be chiefly depended on, and their Skill in managing Cannon promises nothing effectual. But, reflecting on the necessity there

<sup>1</sup> Hening : Statutes at Large, ix., 373.

<sup>2</sup> Afterward Shennadoah.



may be of re-enforcing the army under your Excellency's Command, I trouble you with this, entreating you will be pleased to tell me whether that Regiment will be a desirable aid to you.

"If it is, perhaps Inoculation ought to be set about immediately.

"With the highest Regard I am,

"Sir,

"Your mo. obd<sup>t</sup> Hble Serv<sup>t</sup>,

"P. HENRY.

"To His Excellency, GENERAL WASHINGTON, at Head-Quarters.

"Per Express."

The nobility of this letter was equalled by the following reply received from Washington. The two letters show that the friendship of these men was that of kindred spirits.

"WHITEMARSH, 18 Nov<sup>r</sup>. 1777.


"DEAR SIR: I shall beg leave to refer you to a letter of mine, which accompanies this, and of the same date,<sup>1</sup> for a general account of our situation and wants. The design of this is only to inform you, and with great truth I can do it, strange as it may seem, that the army which I have had under my immediate command, has not, at any one time since General Howe's landing at the Head of Elk, been equal in point of numbers to his. In ascertaining this, I do not confine myself to Continental troops, but comprehend militia. The disaffected and lukewarm in this state, in whom unhappily it too much abounds, taking advantage of the distraction in the government, prevented those vigorous exertions, which an invaded State ought to have yielded; and the short term, for which their militia was drawn out, expiring before others could be got in, and before the Maryland militia (which, by the

<sup>1</sup> In that letter he declined Colonel Harrison's regiment for the present.

by, were few in number, and did not join till after the battle of Brandywine) came up, our numbers kept nearly at a stand, and I was left to fight two battles, in order if possible to save Philadelphia, with less numbers than composed the army of my antagonist, whilst the world has given us at least double. This impression, though mortifying in some points of view, I have been obliged to encourage, because, next to being strong it is best to be thought so by the enemy; and to this cause principally I think is to be attributed the slow movements of General Howe.

“How different the case in the northern department! There the States of New York and New England resolving to crush Burgoyne, continued pouring in their troops, till the surrender of that army, at which time not less than fourteen thousand militia, as I have been informed, were actually in General Gates’s camp, and those composed, for the most part, of the best yeomanry in the country, well armed, and in many instances supplied with provisions of their own carrying. Had the same spirit pervaded the people of this and the neighboring States, we might before this time have had General Howe nearly in the situation of General Burgoyne, with this difference, that the former would never have been out of reach of his ships, whilst the latter increased his danger every step he took, having but one retreat in case of a disaster, and that blocked up by a respectable force.

“My own difficulties, in the course of the campaign, have been not a little increased by the extra aid of Continental troops, which the gloomy prospects of our affairs in the north, immediately after the reduction of Ticonderoga, induced me to spare from this army. But it is to be hoped, that all will yet end well. If the cause is advanced, indifferent it is to me where or in what quarter it hap-



pens. The winter season, with the aid of our neighbours, may possibly bring some important event to pass.

"I am, sincerely and respectfully,  
"dear Sir, &c.

"GEORGE WASHINGTON.

"To PATRICK HENRY, Esq.,  
*Governor of Virginia.*"

At the very time that Washington was writing this letter rejoicing in the victory of Gates over Burgoyne, for the accomplishment of which he had reduced his own forces and prevented his army from gaining a victory over Howe, General Gates was plotting to supersede him as commander-in-chief. One of his accomplices undertook the task of winning Governor Henry to their cause, and sounded him by the following letter sent without a signature.

"YORKTOWN, January 12<sup>th</sup>, 1778.

"DEAR SIR : The common danger of our country first brought you and me together. I recollect with pleasure the influence of your conversation and eloquence upon the opinions of this country, in the beginning of the present controversy. You first taught us to shake off our idolatrous attachment to royalty, and to oppose its encroachments upon our liberties, with our very lives. By these means you saved us from ruin. The independence of America is the offspring of that liberal spirit of thinking & acting which followed the destruction of the sceptres of kings, and the mighty power of Great Britain.

"But, sir, we have only passed the Red Sea. A dreary wilderness is still before us, and unless a Moses or a Joshua are raised up in our behalf, we must perish before we reach the promised land. We

have nothing to fear from our enemies on the way. General Howe, it is true has taken Philadelphia; but he has only changed his prison. His dominions are bounded on all sides, by his out-sentries. America can only be undone by herself. She looks up to her councils and arms for protection; but alas! what are they? Her representation in congress dwindled to only twenty-one members—her Adams—her Wilson—her Henry are no more among them. Her councils weak, and partial remedies applied constantly for universal diseases. Her army, what is it? a major-general belonging to it, called it a few days ago, in my hearing, a mob. Discipline unknown or wholly neglected. The quarter-master's and commissary's departments filled with idleness, ignorance, and peculation; our hospitals crowded with six thousand sick, but half provided with necessaries or accommodations, and more dying in them in one month, than perished in the field during the whole of the last campaign. The money depreciating, without any effectual measure being taken to raise it; the country distracted with the Don Quixote attempts to regulate the price of provisions; an artificial famine created by it, and a real one dreaded from it; the spirit of the people failing through a more intimate acquaintance with the causes of our misfortunes; many submitting to General Howe; and more wishing to do it, only to avoid the calamities which threaten our country. But is our case desperate? by no means. We have wisdom, virtue, and strength enough to save us, if they could be called into action. The northern army has shown us what Americans are capable of doing, with a general at their head. The spirit of the southern army is no way inferior to the spirit of the northern. A Gates, a Lee, or a Conway, would in a few weeks render them an irresistible body of men. The last

of the above officers has accepted of the new office of inspector-general of our army, in order to reform abuses; but the remedy is only a palliative one. In one of his letters to a friend, he says, 'a great and good God hath decreed America to be free—or the . . . and weak counsellors would have ruined her long ago. You may rest assured of each of the facts related in this letter. The author of it is one of your Philadelphia friends. A hint of his name, if found out by the handwriting, must not be mentioned to your most intimate friend. Even the letter must be thrown in the fire. But some of its contents ought to be made public, in order to awaken, enlighten, and alarm our country. I rely upon your prudence, and am dear sir, with my usual attachment to you and to our beloved independence, yours sincerely.

"His Excellency P. HENRY."

The writer of this insidious letter had utterly mistaken the man to whom it was addressed. He was impervious to flattery, and his faith in Washington, so far from being shaken, had ever continued to strengthen. He at once enclosed the letter to General Washington with the following :

"WILLIAMSBURG, February 20, 1778.

"DEAR SIR: You will no doubt, be surprised at seeing the enclosed letter, in which the encomiums bestowed on me are as undeserved, as the censures aimed at you are unjust. I am sorry there should be one man who counts himself my friend who is not yours.

"Perhaps I give you needless trouble in handing you this paper. The writer of it may be too insignificant to deserve any notice. If I knew this to be the case, I should not have intruded on your time,

which is so precious. But there may possibly be some scheme or party forming to your prejudice. The enclosed leads to such a suspicion. Believe me, sir, I have too high a sense of the obligations America has to you, to abet or countenance so unworthy a proceeding. The most exalted merit hath ever been found to attract envy. But I please myself with the hope, that the same fortitude and greatness of mind which have hitherto braved all the difficulties and dangers inseparable from your station, will rise superior to every attempt of the envious partisan.

"I really cannot tell who is the writer of this letter, which not a little perplexes me. The handwriting is altogether strange to me.

"To give you the trouble of this gives me pain. It would suit my inclination better to give you some assistance in the great business of the war. But I will not conceal any thing from you by which you may be affected; for I really think your personal welfare and the happiness of America are intimately connected. I beg you will be assured of that high regard and esteem, with which I am, dear sir, your affectionate friend and very humble servant,

"P. HENRY.

"His Excellency GENERAL WASHINGTON."

Not getting a reply promptly to this letter, and receiving some information which increased his anxiety, Governor Henry wrote again to General Washington as follows:

"WILLIAMSBURG, March 5<sup>th</sup>, 1778.

"DEAR SIR: By an express which Colonel Finnie sent to camp, I enclosed you an anonymous letter, which I hope got safe to hand. I am anxious to hear something that will serve to explain the strange affair, which I am now informed is taken up re-

specting you. Mr. Custis has just paid us a visit, and by him I learn sundry particulars concerning General Mifflin, that much surprised me. It is very hard to trace the schemes and windings of the enemies to America. I really thought that man its friend : however, I am too far from him to judge of his present temper.

“While you face the armed enemies of our liberty in the field, and by the favour of God, have been kept unhurt, I trust your country will never harbour in her bosom the miscreant who would ruin her best supporter. I wish not to flatter ; but when arts, unworthy honest men, are used to defame and traduce you, I think it not amiss, but a duty, to assure you of that estimation in which the public hold you. Not that I think that any testimony I can bear is necessary for your support, or private satisfaction ; for a bare recollection of what is past must give you sufficient pleasure in every circumstance of life. But I cannot help assuring you on this occasion, of the high sense of gratitude which all ranks of men in this your native country bear to you. It will give me sincerest pleasure to manifest my regards, and render my best services to you or yours. I do not like to make a parade of these things, and I know that you are not fond of it, however I hope the occasion will plead my excuse.

“The assembly have, at length, empowered the executive here, to provide the Virginia troops serving with you with clothes, &c. I am making provision accordingly, and hope to do something towards it. Every possible assistance from government is afforded the commissary of provisions, whose department has not been attended to. It was taken up by me too late to do much. Indeed, the load of business devolved on me is too great to be managed well. A French ship, mounting thirty guns, that has been long chased by Eng-

lish cruisers has got into Carolina, as I hear last night.

“Wishing you all possible felicity, I am, my dear Sir,

“Your very affectionate friend,

“and very humble servant,

“P. HENRY.

“His Excellency GENERAL WASHINGTON.”

Before getting this last letter Washington wrote in reply to the previous one.

“VALLEY FORGE, 27 March, 1778.

“DEAR SIR: About eight days past I was honored with your favor of the 20th ultimo. Your friendship, sir, in transmitting to me the anonymous letter you had received, lays me under the most grateful obligations; and if my acknowledgments can be due for anything more, it is for the polite and delicate terms in which you have been pleased to communicate the matter.

“I have ever been happy in supposing that I had a place in your esteem, and the proof of it you have afforded on this occasion makes me peculiarly so. The favorable light in which you hold me is truly flattering; but I should feel much regret, if I thought the happiness of America so intimately connected with my personal welfare, as you so obligingly seem to consider it. All I can say is, that she has ever had, and I trust she ever will have, my honest exertions to promote her interest. I cannot hope that my services have been the best; but my heart tells me they have been the best that I could render.

“That I may have erred in using the means in my power for accomplishing the objects of the arduous, exalted station with which I am honored, I cannot doubt; nor do I wish my conduct to be exempted from reprehension farther than it may deserve. Er-



him as not possessing, at least candor and sincerity, though you should have been the result founded in motives of public only secret, insidious attempt to wound my reputation. I equally base, cruel and uninducted with as little frankness views, perhaps, as personally sir with great esteem and regard friend, &c.

"G

"To His Excellency P. HENRY, Esq.  
"Governor

Before closing this the secretary Henry was handed to Washington deeply touched by it even though far less restraint he at once replied :

"DEAR SIR: Just as I was yesterday, your favor to hand. I can only thank you of the most undissembled gratitude

deserve it. It is the highest reward to a feeling mind; and happy are they who so conduct themselves as to merit it.


"The anonymous letter, with which you were pleased to favor me, was written by Dr. Rush, so far as I can judge from a similitude of hands. This man has been elaborate and studied in his professions of regard for me; and long since the letter to you. My caution to avoid any thing, which could injure the service, prevented me from communicating, but to a very few of my friends, the intrigues of a faction, which I know was formed against me, since it might serve to publish our internal dissensions; but their own restless zeal to advance their views has too clearly betrayed them, and make concealment on my part fruitless. I cannot precisely mark the extent of their views, but it appeared in general, that General Gates was to be exalted on the ruin of my reputation and influence. This I am authorized to say, from undeniable facts in my own possession, from publications, the evident scope of which could not be mistaken, and from private detractions industriously circulated. General Mifflin, it is commonly supposed, bore the second part in the cabal; and General Conway, I know, was a very active and malignant partisan; but I have good reasons to believe, that their machinations have recoiled most sensibly upon themselves. With sentiments of great esteem and regard, I am, dear Sir, your affectionate humble servant,

"GEORGE WASHINGTON.

"His Excellency PATRICK HENRY, Esq.

"*Governor of Virginia.*"

The Conway Cabal, as it was called, died upon exposure, leaving Washington more strongly entrenched in the hearts of his countrymen than before. Washington never forgot this proof of



friendship and esteem on the part of Governor Henry. It came at a time when it was impossible to know the extent of the plot which had been formed. But that besides several generals it embraced some of the leading members of Congress, was believed at the time, and even the two Lees from Virginia were thought to be implicated.

## CHAPTER XXII.

### GOVERNOR OF VIRGINIA.—SECOND TERM.—1778.

Distressing Condition of the Army.—Exertions of Governor Henry to Relieve It.—His Letter to Congress.—Alarming Letter from General Washington.—Governor Henry's Efficient Action Relieves the Army at Valley Forge, and Prevents It from Disbanding.—Important Actions of Congress in Aid of the Army.—Arrival of the French Minister and British Commissioners.—Attempt to Defeat the French Treaty.—Strong Feeling of Governor Henry.—Letter to Richard Henry Lee.—Congress Declines the British Proposals.—Attempt of Commissioners to Communicate with Virginia Foiled.—The Aid of France Indispensable to American Success.—Indian Troubles.—Murder of Cornstalk.—Action of Governor Henry in Consequence.—Retaliation by the Indians.—Proposed Expedition Against Detroit.

DURING the winter of 1777-78 the subsistence of Washington's army became a question of alarming importance. The failure of the Quartermaster and Commissary departments, as organized by Congress, to provide necessaries for the army came near destroying it. Congress itself never appeared more impotent, nor its members more neglectful of their duties, and at its sittings at York, in Pennsylvania, it was often difficult to secure a quorum. In order to meet the emergency, the Virginia Legislature at its fall session gave the Governor power to impress the articles needed for the Virginia troops. He went to work so vigorously that he was able to send off a large supply of clothing by December 6, and to promise additional supplies in a short time.<sup>1</sup>

<sup>1</sup> Letter to Washington, December 6, 1777. Post, vol. iii., 129.



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But the distress of the  
want of clothing, The  
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farmers carried their provi  
got British gold in prefer  
money.<sup>1</sup> A letter from F.  
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apprised Governor Henry  
of affairs, and his reply of  
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fearlessness in pointing o  
shortcomings. It is as foll

“W.


“GENTLEMEN: Francis  
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“I thought this plan b.

or ten thousand Hogs & several thousand fine Beeves might have been had very lately in a few Counties convenient to the Camp. In order therefore to avoid blending my Transactions with the Commissary's, & to give Despatch & Efficacy to the measure, I employed Abraham Hite, Thomas Hite, & James Barbour Esq<sup>r</sup>. Gentlemen of Character, to purchase instantly Beef, or Pork, if Beef could not be had, to the amount of ten thousand pounds, & drive it to Camp in the most expeditious manner, and advanced them the Cash. I have also directed Colonel Simpson to seize two thousand Bushels of Salt on the Eastern Shore, & send it to the Head of Elk for the grand army, & to reserve a thousand more to answer further orders that may become necessary.

"A Galley is also ordered to carry 600 Bushels along the Western Shore to Elk for the same purposes. In the article of flour I have not meddled, thinking from Mr. Lee's Letter that it was not wanting. By these Several Steps, the best which in the sudden Exigency could be taken, I hope a temporary Supply may be obtained.

"But Gentlemen I cannot forbear some Reflections on this Occasion, which I beg you will be pleased to lay before Congress as the Sentiments of the Executive Body of this State. It is with the deepest Concern that the Business of Supplying Provisions for the grand army, is seen to fall into a State of uncertainty & Confusion. And while that Executive hath been more than once called upon to make up for Deficiencies in that Department, no Reform is seen to take place. Altho' a great Abundance of Provisions might have been procured from Virginia; yet no Animadversions that I know of, have been made upon the Conduct of those whose Business it was to forward it to the Army. In this Situation of things Intelligence is



given to me that from this State it is expected most of the Supplies must be drawn. What may be inferred from this, I do not well know. If any kind of Superintendence or Controul over the Commissariate is meant, Congress will please to recollect that the Gentlemen in that Office are not amenable to me. If it is expected that friendly Assistance should be given, I am happy in saying this has been anticipated. Large loans of Flour, Meat and Salt have been made from time to time to great amount, nor will they be withheld but from the most absolute necessity. But I earnestly desire that it may be understood and remembered, once for all, that the Executive power here has nothing to do with the Commissary's Business. That it holds itself guiltless of all the mischiefs which in future may arise from Delinquency in that office.

"It will indeed be unworthy the character of a Zealous American to entrench himself within the strict line of Official duty, and there quietly behold the starving and dispersion of the American Army. The Genius of this Country is not of that Cast.

"I do not wish to avoid any Labour which may serve the general Interest and which cannot be executed better by others. But I have the Mortification to know that the present business I have directed will be executed with great Loss to the Public. The pressing occasion puts the price of meat &c. in the power of wicked, avaricious and disaffected men. The value of money will be more and more lessened, the means of supporting public Credit counteracted and defeated. I will not enumerate further the Evils which must follow from suffering Business of this vast import to remain in the Channel where it is now going. Let it suffice to say that this Country abounds with the provisions for which the army is said to be almost starving, particularly that part of it nearest the Camp.

“The Executive has no authority over or Connexion with the Commissariate. The temporary supply ordered to Camp concludes the Interference which is made in that Business, & is kept as a distinct and Separate Transaction. But if in the Course of future events it should become at any time necessary that the Commissariate should receive any aid within the line of the Executive power of this State, it will be afforded with the greatest pleasure—yet in such a case it is much to be wished that as early notice as possible may be given of such necessity.

“The pain which Government feels on this occasion, & which is generally diffused throughout this State, for the melancholy, the perilous situation of the American Army will be relieved when a Reform takes place in that Department, from mismanagement in which have flowed Evils threatening the existence of American Liberty.

“I beg leave Gentlemen to apologize for the Freedom of this Letter. Congress will please to be assured of the most perfect Regard of every member of the Executive of Virginia. But that Body would be wanting in the Duty they owe to the great Council of America & to their Country, if they concealed any of their Sentiments on a Subject so alarming as the present. The Honor and Credit of that great Council are conceived to be deeply concerned in rectifying what is wrong in these matters, and nothing but the highest Regard & most anxious Care to preserve that Honor from aspersion, should extort these painful observations from me.

“I pray for the prosperity & Happiness of Congress as the Guardians of America, & with the greatest Esteem

“I am Gentlemen,

“Your very Humble & most obedt. Servant,

“P. HENRY.”





The supplies forwarded from Virginia were soon exhausted, and on February 19, General Washington wrote Governor Henry, giving an alarming account of his condition. He said, "For several days past we have experienced little less than a famine in camp, and have had much cause to dread a general mutiny and dispersion. Our future prospects are, if possible, still worse. The magazines laid up, so far as my information reaches, are insignificant, totally incompetent to our necessities, and from every appearance there has been heretofore so astonishing a deficiency in providing, that unless the most vigorous and effectual measures are at once everywhere adopted, the language is not too strong to declare that we shall not be able to make another campaign." But Washington knew well that, so far as it depended on the Governor of Virginia, this ignominious result would never be permitted. He added: "I address myself to you; convinced that our alarming distresses will engage your most serious consideration, and that the full force of that zeal and vigour you have manifested upon every other occasion, will now operate for our relief, in a matter that so nearly affects the very existence of our contest."

This letter caused Governor Henry again to exert his utmost energy to sustain Washington's army. He at once, in accordance with the General's suggestion, issued his proclamation informing the people of the needs of the army, and urging them immediately to put up and feed as many of their cattle as could be spared, that they might be driven to the army in May, June, and July.<sup>1</sup>

<sup>1</sup> *Executive Journal for 1777-8*, p. 223.

But he did not stop with this. He adopted measures for instant relief. Realizing the utter inefficiency of the purchasing agent appointed by Congress, he selected John Hawkins, a man in every way fitted for the business, and by his personal influence induced him to accept the position, for which he supplied him with money, and then reported his action to Congress for their approval. Mr. Hawkins was ordered by him, in the meantime, "to engage and forward with the utmost despatch to the army, as much beef and bacon as their wants may require." The following letter to Richard Henry Lee, in Congress, shows to what a pitch Governor Henry was aroused.

" W<sup>MBURGH</sup>, Apl 7<sup>th</sup> 1778.

" Your letter from Belleview came to hand, my dear sir, by the last post, & I assure you I wish all your letters may be as long. As usual I am in great hurry, & seize a moment by this Messenger to tell you that the necessity of adopting vigorous measures in the Commissariate induced me to appoint Hawkins, over whom I exerted all my personal Influence, & with great difficulty got him to undertake the Business. He has given one-half his salary, which appears at first view large, to an able hand (R<sup>d</sup>. Morris) who is a fine accountant & man of Fortune. I am really shocked at the management of Congress in this Department. John Moore's appointment gave me the most painful feelings. Good God! Our Fate committed to a man utterly unable to perform the task assigned him! Raw, inexperienced, without weight, consequence or acquaintance with men or business; called into action at a time when distinguished talent only can save an army from perishing. I tell you, & I grieve at it, Congress will lose the respect due — but I

forbear. Tis my business to exert all my powers for the Common Good. I must not be depended on for anything in that line if Hawkins is rejected by congress. If he is continued, pray supply him with plenty of money. He is really superior to any one in that way, & of established credit to any amount.

I've advanced money, & published repeated orders for the march of the new Levys, & on receipt of yours have addressed the continental Officers on the subject. But there is great Langor among them. I've sought for good hands to set out on the recruiting Business you mention, & will make an effort, & by the success of that shall judge if any thing can be done. Gilmour, I think, ought to be dealt with, but the powers of the Executive will not reach so far as the seizing of papers. Tis indeed too much cramped. However will think further on the subject. I am really so harrassed by the great load of continental Business thrown on me lately, that I am ready to sink under my Burden, & have thoughts of taking that rest that will I doubt soon become necessary. For my strength will not suffice. You are again traduced by a certain set who have drawn in others, who say that you are engaged in a scheme to discard General Washington. I know you too well to suppose you attempt any thing not evidently calculated to serve the cause of Whiggism. To dismiss the General would not be so: ergo &c. But it is your fate to suffer the constant attacks of disguised Torys who take this measure to lessen you. Farewell my dear Friend. In praying for your welfare I pray for that of my country, to which your life and service are of the last moment.

"I am in great Haste,

"Y<sup>r</sup> aff<sup>to</sup>,

"P. HENRY.

"To RICHARD HENRY LEE,  
"at Congress."

If Colonel Lee was indeed implicated in the scheme to displace Washington,<sup>1</sup> the latter portion of this letter must have been keenly felt, coming, as it did, from his warm personal friend.

Mr. Hawkins entered upon the duties of Commissary, imposed upon him by Governor Henry, but did not live very long to demonstrate the wisdom of his appointment. That wisdom, however, is strikingly attested by Mr. Jefferson in a letter to the Governor, March 27, 1779, concerning the British prisoners in Virginia, in which he writes: "I am mistaken if, for the animal subsistence of the troops hitherto, we are not principally indebted to the genius and exertions of Hawkins, during the very short time he lived after his appointment to that department by your board. His eye immediately pervaded the State, it was reduced at once to a regular machine, to a system, and the whole put into movement and animation by the fiat of a comprehensive mind."<sup>2</sup>

Washington himself, however, took steps to apply the remedy needed to right the disordered departments. He persuaded General Nathaniel Greene to accept the office of Quartermaster-General, and a change was also made in the Commissariat, and order and efficiency soon took the place of the confusion which had so long prevailed. The appointment of Baron Steuben as Inspector-General was also most fortunate, and in the spring of 1778, Washington entered upon a new campaign with his army better drilled than ever before. Beyond doubt, how-

<sup>1</sup> That he was is asserted in the correspondence of Rayneval, the French commissioner.

<sup>2</sup> Writings of Jefferson, i., 215.

ever, "the zeal and vigor" of Governor Henry contributed largely to the continued existence of the American army during their bitter experience at Valley Forge, if indeed he did not prevent its disbanding.

During this period of privation an incident occurred which illustrated the regard of the Virginia Council for the personal comfort of Washington. On April 7, 1778, the following entry was made in the Journal:

"The Board being credibly informed that his Excellency General Washington has been unsupplied for some time past with many articles of living, which custom & the great fatigues to which he is constantly exposed must make necessary to the preservation of his health, and considering that it may be impossible to provide these articles in the exhausted part of America where the army is at present fixed, do advise the Governor to direct the commissary of stores to procure a stock of good rum, wine, sugar and such other articles as his Excellency may think needful, and send them on to Headquarters."

The present was forwarded April 18, with a letter from the Governor, to which Washington responded May 16, and after thanking him for the "agreeable present," he added, "It is now on its way from the Head of Elk; when it arrives, I make no doubt, but it will find us in a humour to do it all manner of justice."

The treaties of commerce and alliance with Louis XVI. were ratified by congress on May 4, 1778, and Gerard, the first French minister, arrived in

July. In the meanwhile the three British commissioners, Lord Carlisle, William Eden, and Governor Johnstone, arrived with the conciliatory offers of Parliament, and reaching Philadelphia June 6, they found Sir Henry Clinton, who had superseded Lord Howe, in the act of evacuating the city. They at once set to work to win congress from France, and did not hesitate to try bribery for the accomplishment of their purpose.

Perhaps to no one in America was the news of the French alliance more grateful than to Governor Henry.<sup>1</sup> He had predicted at the beginning of the strife that the causes which finally brought about that alliance would accomplish it, and upon this firm conviction he had expressed himself willing to enter into the unequal conflict. The fulfilment of his prediction had been long delayed, and he saw the credit of the United States rapidly wasting away, and with its decay the chilling of that ardor which had kept up the army. He realized that the patriot cause was on the brink of an awful precipice, from which the French alliance only could save it. The idea of a return to any connection with Great Britain had become abhorrent to him, and he had no patience with the men who would listen for a moment to the proposals which involved an abandonment of independence. But we will let him express his feelings in his own nervous language. At the spring session of the Legislature he saw with pain that the opposition to Richard Henry Lee was still strong, and regarding him as one of the ablest advocates of the patriot cause, he feared that the opposition to his

<sup>1</sup> See letter to him from Delegates in Congress announcing it. Girardin, 277.

re-election to congress was caused by the sympathy of some of his opponents with the British proposals. He thereupon wrote him the following letter :

“WILLIAMSBURG June 18<sup>th</sup>, 1778.

“MY DEAR SIR : Both your last letters came to hand to-day. I felt for you, on seeing the order in which the balloting placed the delegates in Congress. It is an effect of that rancorous malice, that has so long followed you, through that arduous path of duty which you have invariably travelled, since America resolved to resist her oppressors. Is it any pleasure to you, to remark, that at the same era in which these men figure against you, public spirit seems to have taken its flight from Virginia ? It is too much the case ; for the quota of our troops is not half made up, and no chance seems to remain for completing it. The Assembly voted three hundred and fifty horse, and two thousand men, to be forthwith raised, and to join the grand army. Great bounties are offered, but I fear, the only effect will be, to expose our State to contempt, for I believe no soldiers will enlist, especially in the infantry. Can you credit it ; no effort was made for supporting, or restoring public credit ! I pressed it warmly on some, but in vain. This is the reason we get no soldiers. We shall issue fifty or sixty thousand dollars in cash, to equip the cavalry, and their time is to expire at Christmas. I believe they will not be in the field before that time. Let not Congress rely on Virginia for soldiers. I tell you my opinion, they will not be got here until a different spirit prevails. I look at the past condition of America, as at a dreadful precipice, from which we have escaped, by means of the generous French, to whom I will be everlastingly bound by the most heartfelt gratitude. But I must mistake matters, if some of those men who traduce you, do not pre-

fer the offers of Britian. You will have a different game to play now with the commissioners. How comes Governor Johnstone there? I do not see how it comports with his past life. Surely Congress will never recede from our French friends. Salvation to America depends upon our holding fast our attachment to them. I shall date our ruin from the moment that it is exchanged for anything Great Britian can say or do. She can never be cordial with us. Baffled, defeated, disgraced by her colonies, she will ever meditate revenge. We can find no safety but in her ruin, or at least in her extreme humiliation, which has not happened, and cannot happen until she is deluged with blood, or thoroughly purged by a revolution, which shall wipe from existence the present king with his connexions, and the present system, with those who aid and abet it. For God's sake, my dear sir, quit not the councils of your country, until you see us forever disjoined from Great Britian. *The old leaven still works. The flesh pots of Egypt are still savoury to degenerate palates.* Again, we are undone if the French alliance is not religiously observed. Excuse my freedom. I know your love to our country, and this is my motive. May heaven give you health and prosperity.

"I am, yours affectionately,

"PATRICK HENRY.

"TO RICHARD HENRY LEE."

The day before this letter was written, congress declined the British proposals. The commissioners, after making a second effort to treat with that body, which was not noticed by it, issued a manifesto addressed to Congress, to the *Provincial Assemblies*, and to all the inhabitants of the *Colonies*, offering to treat with assemblies separately, or with the



colonies jointly, and proclaiming a general pardon to all who would withdraw from opposition to the British Government. At the same time they threatened vengeance on those who should persist in withholding their allegiance from the British king. They used the following language: "The policy, as well as the benevolence, of Great Britain have thus far checked the extremes of war, when they tended to distress a people still considered as our fellow-subjects, and to desolate a country shortly to become a source of mutual advantage; but when that country professes the unnatural design not only of estranging herself from us, but of mortgaging herself and her resources to our enemies, the whole contest is changed; and the question is how far Great Britain may, by every means in her power, destroy or render useless a connection contrived for her ruin, and for the aggrandizement of France. Under such circumstances, the laws of self-preservation must direct the conduct of Great Britain; and if the British colonies are to become an accession to France, will direct her to render that accession of as little avail as possible to her enemy." To this threat of extermination Congress replied with dignity and firmness. Contrasting their mode of conducting the war with that pursued by Great Britain, they said "should she persist in her present career of barbarity, we will take such exemplary vengeance as shall deter others from a like conduct."

The commissioners failed to make any more impression on the State Assemblies than they had done on Congress. A special messenger, in the person of a British officer, was sent by them to Vir-

ginia, the fate of whose mission is detailed in the following extract from the House Journal, under date October 17, 1778 :


“His Excellency the Governor having received information from Major Thomas Mathews, the officer commanding at Fort Henry, that a British officer has arrived there, charged with dispatches from the enemy at New York, directed to the Speaker of the Assembly, to the several officers of Government in this State, and the ministers of the Gospel, which Major Mathews has refused to receive till he shall know the pleasure of the Governor therein, and he having laid the said information before this House, and requested their advice how he shall proceed :

“*Resolved*, therefore, That his Excellency the Governor be requested to inform Major Mathews that this House highly approved his conduct in refusing to receive the several dispatches brought by the British officer from New York.

“*Resolved*, That his Excellency the Governor, be requested to direct Maj. Thomas Mathews to inform the officer charged with the dispatches from New York, that they look on this attempt as calculated to mislead and divide the good people of this country, and that they highly resent the behaviour of him, and those who sent him, as they must know that this State ought to hold no such correspondence with the enemy of America.

“*Resolved*, That his Excellency the Governor be requested to direct Maj. Mathews to order the officer charged with the dispatches to depart this state with the same, and to inform him that, in future, any person making a like attempt shall be secured, as an enemy to America.”

The failure of the Commissioners had been anticipated by the Government before they sailed, and or-



ders had been given for a more cruel prosecution of the war in the ensuing campaign,<sup>1</sup> in which the Indians along the western and southern frontier were to play an important part. In order, however, to prevent if possible the ratification of the French treaty, or to frame an excuse for such conduct, a copy of the conciliatory acts had been transmitted to Congress before they had knowledge of the treaty. To the honor of that body, be it said, they expressed their disapproval of the offer, and their determination to abide by their declaration of independence at all hazards.

It has been a matter of discussion among historians, whether the United States would have been able to maintain their independence without the aid of France. Without going into the discussion here, it is interesting to find that three of the most ardent and hopeful of the leaders in the Revolution seemed convinced that the cause would probably have been lost, but for the foreign aid which was obtained.

We have seen the strong expression of his fears by Governor Henry in his letter to Lee of June 18, 1778. In the journal of Arthur Lee, under date September 30, 1777, we find this entry: "I read a paragraph to the commissioners in my brother Richard Henry Lee's letter, stating that without an alliance with France and Spain, with a considerable loan to support their funds, it would be difficult to maintain their independence."<sup>2</sup> That Washington agreed with Henry and Lee is made plain by his published correspondence. The immediate effect of the alliance with France was to induce a reliance

<sup>1</sup> Bancroft, x, 123.

<sup>2</sup> Life of Arthur Lee, vol. i., 395.

on her aid, and a consequent relaxation of effort on the part of the Americans, which was of great injury to their cause. While the Legislature of Virginia at its May session ordered the requisite number of troops to be raised by voluntary enlistments to fill the State's quota in the Continental army, they did nothing to give value to the currency, and they left the Governor powerless to obey their order. The bounties offered by this act were so valueless by reason of the depreciated currency, and the prices paid for substitutes by the drafted militia were so high, and that service so greatly preferable,<sup>1</sup> that Governor Henry had no hope of keeping Virginia's quota of regular troops in the field, and on June 18, 1778, he frankly wrote the President of Congress to that effect.<sup>2</sup> His embarrassment was the greater as the term of enlistments of the first nine Virginia regiments expired early in 1778.

But the energies of the Governor during his second term were not alone devoted to the support of the regular army. The Indians were a continual source of trouble.<sup>3</sup> The persistent attacks upon the Kentucky settlements induced the Council to give to Colonel John Todd 250 men for their defence.<sup>4</sup> A much larger force was needed, however, for the protection of the settlements east of the Ohio. The Indian tribes on the

<sup>1</sup> See post, vol. iii., 18, letter of Washington to Henry of November 18, 1777, in which he deplures this and says: "To this fatal source is owing the ill success of recruiting from one end of the continent to the other."

<sup>2</sup> See post, vol. iii., 177.

<sup>3</sup> See Withers' *Border Warfare* for an account of the Indian depredations upon the Virginians.

<sup>4</sup> *Executive Journal* for June 28, 1777, p. 30.


western side of that river were constantly incited to violence by the British agents, and so serious became their hostilities that Congress in the spring of 1777, directed General Hand, stationed at Pittsburg, to embody a large force of militia, and attack the Indian settlements. This order involved the calling out from the counties in Virginia adjacent to Pittsburg a portion of their militia. This General Hand attempted to do by his own mandate, and in doing so caused what was doubtless the first conflict of Federal and State authorities. The Governor behaved with firmness and discretion on the occasion. He wrote to General Hand and to Congress, claiming, under the constitution of the State, the sole right to embody her militia, but adding that by this claim he did not mean to impede the service General Hand was sent upon, but on the contrary, would forward it, by himself giving orders to the several county lieutenants adjacent to Fort Pitt to embody as many of the militia as General Hand might need, and to march them under their proper officers to such places as General Hand might direct, of which report must be made to the Executive. He gave orders accordingly to the county lieutenants of Yohogania, Monongalia, Ohio, Hampshire, Botetourt, Augusta, Dunmore, and Frederick.<sup>1</sup> In order to avoid the complications of the militia law, however, the Governor afterward determined to raise a sufficient volunteer force.

Some four or five companies were accordingly raised in the counties of Augusta, Botetourt, and Greenbrier, who under the command of Colonel Skillern marched to Fort Randolph, which had been

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<sup>1</sup> Executive Journal, 33.

erected at Point Pleasant, where General Hand was to meet them. The fort was commanded by Captain Arbuckle, who had been visited in the summer by the great Shawanese chief, Cornstalk, accompanied by a Delaware chief, Red Hawk, a companion in arms three years before at the bloody battle which had occurred upon the site of the Fort. There was a third chief in the party whose name has not been preserved. Cornstalk had been faithful to the stipulations of his treaty with Dunmore, and now when he found that the British agents were confederating the western tribes against the Americans, he used all his eloquence to dissuade his own tribe from joining with them. Finding he was likely to fail, he determined to visit the Fort and inform the Americans of the condition of affairs. He frankly told Captain Arbuckle what the British were doing, and that all the nations, except himself and his own tribe, had determined to engage with them; and he added: "The current sets so strong against the Americans, that my tribe will float with it, I fear, in spite of all my exertions." Upon hearing this Captain Arbuckle determined to detain the three chiefs as hostages, to prevent, if possible, the meditated hostilities. He at once communicated the facts to Governor Henry, who took steps resulting in the raising of the volunteer force now assembled at the Fort. While waiting for General Hand to come down the river from Pittsburg, the Virginia officers held frequent conversations with Cornstalk, who seemed to take pleasure in describing the country west of the Ohio. One day in November, while he was drawing for them with chalk upon the floor a map of the country with its



water streams, a voice was heard from the opposite side of the river. Cornstalk immediately recognized the voice of his son Elinipsico, walked to the door, and answered him. The young chief then crossed over, and they embraced each other in the most tender and affectionate manner. The young man had become uneasy at the prolonged absence of his father, and came to inquire the cause. On the next day a council of officers was held to which Cornstalk was invited. He seemed to be impressed with a presentiment of his approaching end. In addressing the council he said: "When I was young and went to war, I thought that might be the last time, and I would return no more. I still lived. Now I am in the midst of you, you may kill me if you please; I can die but once; and it is all one to me, now or another time." This last declaration concluded every sentence of his speech. While the council was in session two young men, Hamilton and Gilmore, who had been hunting across the Kanawha and were returning to the Fort, were fired upon by some Indians concealed in the weeds on the bank of the river, and Gilmore was killed. The two men were members of Captain John Hall's company, from Rockbridge County, and Gilmore was a kinsman of the captain. Some of his company immediately jumped into a canoe and went to the relief of Hamilton, who was calling to them on the bank in momentary expectation of death. Having taken in Hamilton they went for the body of Gilmore and placed it in the canoe. It was scalped and covered with blood. The men then pushed for the opposite bank, becoming more and more infuriated as they beheld the body of their dead com-

rade. Captain Arbuckle and John Stuart, of the Greenbrier company, were standing on the bank and witnessed the crossing of Captain Hall's men. Stuart expressed his fears that the men would be for killing the hostages, but Arbuckle could not believe that they would commit so great a crime as to kill helpless hostages, in no wise accessory to the murder of Gilmore. Scarcely had the canoe touched the shore, however, when the cry was heard: "Let us kill the Indians in the Fort!" and the men, with Captain Hall at their head, came up the bank, gun in hand and pale with rage.

Arbuckle and Stuart met them, and did their best to dissuade them from so foul a deed, but with cocked guns they threatened death to any one interfering, and they rushed toward the Fort. The wife of the interpreter at the Fort had been a prisoner among the Indians, and bore the prisoners much affection. She heard the threats and ran to their cabin to tell them that the soldiers were coming to kill them, because the Indians who killed Gilmore had come with Elinipsico the day before. He utterly denied it, and protested he knew nothing of them. His father seeing him show some alarm, said with perfect self-possession: "My son, the Great Spirit has seen fit that we should die together, and has sent you to that end. It is his will, let us submit." They were sitting upon stools. Almost instantly the men were heard approaching. The brave old hero arose from his seat and met them at the door. The crack of seven rifles was heard, and he fell pierced with seven bullets, and expired without a struggle. His son was shot dead as he sat upon the stool, and Red Hawk was killed while,



panic stricken, he was attempting to hide in the chimney. The fourth chief was shamefully mangled and was long in the agonies of death.<sup>1</sup>

Thus perished the mighty Cornstalk, chief of the Shawanese, and king of the Northern Confederacy of 1774, one of the greatest of Indian chieftains. Ever inclined to honorable peace, and friendly to the white race, when his country's wrongs "called aloud to battle," he became the thunderbolt of war. Unlike his race, he waged no war upon the unprotected and defenceless, but chose rather to meet his enemies, girded for battle, in open conflict. His noble bearing, his generous attachment to the Americans in spite of the arts of unscrupulous British emissaries, his exposure of himself to prevent the desolation of the Virginia frontier, and the untimely and perfidious death which was his reward, excited the deepest indignation against his barbarous murderers. And most bitterly did the whites feel the vengeance of his tribe.

A few days after this outrage General Hand reached the Fort without provisions, and having failed to raise any force in Pennsylvania.<sup>2</sup> The Virginians had found no provisions for them at the Fort, and now General Hand's mismanagement left them nothing to do but to return to their homes, and the expedition was abandoned.

The frontier was at once thrown into the greatest alarm, expecting the Indians to avenge the murders at the Fort. Colonel William Preston, of Montgomery County, wrote a letter to the Governor in-

<sup>1</sup> This account is taken from the narrative of John Lewis, in *Howe's Virginia*, 304.

<sup>2</sup> *Pennsylvania Archives*, vi., 18.

forming him of the danger impending, and at the same time the Executive received a letter from the Board of War, and a memorial from the inhabitants of Greenbrier County, on the same subject. No one could feel more indignant at the foul deed which was threatening to drench the frontier in blood than Governor Henry, but he did not allow his feelings to delay the steps required by the occasion. The following entry in the Executive Journal for February 19, 1778, shows with what promptness, wisdom, and propriety he acted.

“The Board resumed the Consideration of the letters received from Colonel William Preston & the Board of war, and also the memorial of the Inhabitants of Green Brier on the subject of the dangerous situation of our Western & Northwestern Frontiers, in consequence of the late murder of the Cornstalk and other Shawanese Indians at Fort Randolph—His excellency the Governor was pleased to propose the following plan of Defence viz.

“To give directions for putting all the Guns in that part of the Country into good repair—to furnish one pound of lead to each Militia man, they being supposed to be possessed of powder sufficient for the present, to direct trusty scouts to range towards the enemies Country, to advise proper stockades for receiving the helpless inhabitants wherever the savages may have it in their power to penetrate, to direct the County Lieutenants of Boteourt and Montgomery to consult together on the expediency of establishing a post near the mouth of Elk river for keeping up the correspondence between Green Brier & Fort Randolph and checking the incursions of the enemy, and to do in that matter as they shall judge best—to reinforce the Garri-

son at Fort Randolph with fifty men from the militia of Botetourt, and to give Directions that earnest and close pursuit after the foremost scalping parties be made in order to discourage others.

“His excellency also observed upon the necessity which in his opinion there is, for endeavouring to conciliate the affections of those Indians, and in order thereto of bringing the perpetrators of that murder to condign punishment; for effecting which he proposed to answer Colonel Preston’s Letter by telling him, that if he were not convinced it would be wrong to expose the Inhabitants generally to that resentment which a few only deserve, he should decline taking any measures at all for a defensive war; but that if the frontier inhabitants expected the exertions of the Government in their favor on any future occasion, they must endeavour to apprehend and deliver up to justice the persons concerned in that murder, who are all said to be well known, and may be easily secured if the generality of the people in those parts are disposed to do it; and that should they neglect this opportunity of giving that proof of their abhorrence of an act, which not only is most cruel and unjust, but has moreover drawn on their country other enemies, when those we already had required the utmost exertions of America, they must expect to be left to feel the vengeance which from their situation they are most exposed to, and which in that case they will so well deserve.

“Of all which the Board expressed their approbation and advised the Governor to give orders to carry the above plan into execution.

“The Governor accordingly prepared letters on the foregoing subject to Colonels Preston<sup>1</sup> & Fleming, and so far as respects the measures to be taken for the Defence and security of the Frontiers, similar

<sup>1</sup> See letter to Colonel William Preston, February 19, 1778, vol. iii., 144.

letters were written to the County Lieutenant Colonel Campbell of Washington."

On March 27, the Governor, in compliance with the request of Colonels Preston and Fleming, ordered that fifty men from Botetourt, and fifty men from Greenbrier be stationed at Kelly's, as a post of communication with Fort Randolph, and that fifty men from Rockbridge be thrown into Fort Randolph.<sup>1</sup>

To these precautions the Governor added efforts at conciliation. He offered a reward for the apprehension of the murderers of the chiefs at Fort Randolph, and when Congress also made the effort to conciliate the justly offended savages, he, acting under a resolution of that body, appointed Andrew Lewis and John Walker to meet the Delaware, Shawanese and other tribes invited to meet at Pittsburg on July 23,<sup>2</sup> for the purpose, if possible, of preventing an Indian war.

The efforts at conciliation proved abortive. Captains Hall and Hugh Galbraith were arrested and brought before the County Court of Rockbridge for the murder of Cornstalk and his companions, but the trial was only a farce, as they were discharged because no one appeared to testify against them.<sup>3</sup> The Indians declined the overtures of peace, and the Shawanese, fired with a desire for revenge, now joined heartily with their neighbors in hostilities. In May, 1778, a force of more than two hundred warriors appeared before Fort Randolph and laid siege to it for a week. The place

<sup>1</sup> Executive Journal, 227.

<sup>2</sup> Executive Journal, 278.

<sup>3</sup> Waddell's *Annals of Augusta County*, 164. The court sat for their trial April 18, and May 5, 1778.

was successfully defended by a small force under Captain McKee, then in command. Abandoning the attack upon the Fort, they made a raid into Greenbrier and penetrated to the vicinity of Lewisburg. They were repulsed by a force led by Captain John Stuart and Colonel Samuel Lewis, and driven from the country. Higher up the savages broke into the beautiful Wyoming Valley of Pennsylvania, and perpetrated the brutal massacre of the inhabitants which has become so celebrated in prose and verse.

Upon the failure of General Hand to organize the expedition he was ordered to conduct, Congress directed that General McIntosh, a Georgian, experienced as an Indian fighter, be sent with a large force against Detroit, the residence of Henry Hamilton, the British Governor, who with great cruelty continually incited the Indians to the massacre of the Americans. A portion of the regular army was detailed for this service, among which was the 13th Virginia regiment. But the main reliance was upon the militia. Of these Virginia was required to furnish 2,000 men, and in addition 5,000 horses, together with the ammunition, provisions, and other military stores required for the expedition. This requisition was received about July, 1778, and the Governor found himself powerless to fill it in time for a successful campaign, which the winter would render impracticable. Indeed Congress seemed to consider the resources of Governor Henry well-nigh exhaustless, or such a requisition would not have been made upon him so soon after his great efforts in behalf of the Continental army. In a letter of July 8, 1778, addressed

to the President of Congress, Governor Henry clearly pointed out the impossibility of arranging for such an expedition at that time, adding, "The miseries of the people of Virginia who live exposed to the assaults of the savages, affect me most sensibly. And in my anxiety to see something doing for their protection I hope for excuse from Congress when I suggest, that if an expedition is directed against the hostile tribes nearest our frontiers, very good consequences might result. Such a step seems to be free from the objections which are hinted against the attack of Detroit, where a post will be difficult to maintain, while the great intermediate country is occupied by hostile Indians, and from which it seems easy for the enemy to retreat with all their stores while they are superior upon the adjacent waters."

This advice was heeded, and Congress, by resolution, directed the expedition against Detroit to be laid aside for the present, and General McIntosh to carry the war into the Indian country as he might deem best. This the Governor aided by putting the militia of the counties nearest to Pittsburg at the disposal of General McIntosh.<sup>1</sup>

An expedition was undertaken which proceeded as far as Tuscarawas River, upon whose banks Fort Laurens was established, and garrisoned by 150 men under Colonel John Gibson. The remainder of the force then returned to Pittsburg. During the next year Fort Laurens was abandoned, and thus the expedition was fruitless.

<sup>1</sup> See Governor Henry's order to County Lieutenant of Frederick, August 6, 1778, vol. iii., 189.

## CHAPTER XXIII.

### GOVERNOR OF VIRGINIA.—SECOND TERM.—1778.

British Occupation of the Northwest.—Plan of George Rogers Clark to Attack their Forts.—Approved by Governor Henry.—Arrangements Made and Instructions Given by Him.—Force Enlisted by Clark.—His Brilliant Campaign.—Difficulties Surrounding His Occupation of the Country.—Governor Henry's Foresight as to the Mississippi and the St. Lawrence Rivers.—Clark's Attack upon St. Vincent's.—Capture of Governor Hamilton.—Management of the Indians.—Failure of Reinforcements from Kentucky.—Important Services of Oliver Pollock in Aid of Clark.

IN striking contrast with these failures of Congressional plans, was the brilliant success of the expedition of George Rogers Clark, sent out by Governor Henry in the year 1778, which did not indeed accomplish the capture of Detroit, but which was more effectual, in that it resulted in the capture of the British Governor, Henry Hamilton, and the occupation of the country between the Ohio and Mississippi Rivers. When we consider the small force employed, the boldness of the enterprise, the brilliancy of its execution, and the vast consequences which have resulted from it, this expedition may well challenge all history for a parallel. Clark, who suggested the expedition, had only the safety of Kentucky from Indian incursions at heart, but Governor Henry, in sending it out, had greater objects in view, the accomplishment of which has changed the history of the United States, and

made it possible for them to extend across the continent.

A glance at the map of North America will reveal two most remarkable waterways, the possession of which gives control of the continent. Both take their rise in the centre of the continent. The one in the Lake of the Woods, from which it flows eastward through a chain of the largest lakes in the world, and empties through the St. Lawrence into the Atlantic Ocean. The other, the Mississippi, rising in the same vicinity, flows southward into the Gulf of Mexico. This last is the most important river in the world. Of great length, and volume, it stretches its Briarean arms to the Alleghanies on the east, and to the Rocky Mountains on the west, holding in its embrace the heart of the continent. Governor Henry clearly saw that upon these great arteries depended the growth, if not the life, of the new Republic, and he set himself to secure the more important of the two, trusting to Congress to secure the other.

We are most fortunate in having Clark's own account of this memorable expedition, and of the circumstances which led to it, and we have the journal of one of his officers covering the period of his most remarkable achievement.<sup>1</sup>

The British occupation of the country between the Ohio and Mississippi was secured by a chain of forts reaching from Detroit, at the mouth of Lake Huron, to Kaskaskia, very near where the river of

<sup>1</sup> Clark's account is found in his Memoir, in Dillon's History of Indiana; and in a letter to George Mason which, with Major Bowman's journal, was published by Robert Clarke & Co. in 1809, under the title of "Clark's Campaign in the Illinois;" and in Clark's letters to Governor Henry.




that name empties into the Mississippi, above the mouth of the Ohio. These forts were not only military stations, whose garrisons kept the country in subjection, but they were storehouses at which supplies were gathered, which were used in securing the friendship of the native tribes, and in furnishing them for those murderous raids upon the frontiers which have made infamous the British conduct of the American war. Upon Clark's return to Kentucky, in 1777, he had become so impressed with the fact that from these forts issued the evil influences which were continually staining Kentucky soil with blood, that he determined to inform himself of their condition and liability to attack. He therefore sent, during the summer, two young hunters as spies, to visit the forts from Kaskaskia to the Wabash River, and report their condition. These young men soon returned with very full information. They reported the Indians gone to war, and only small garrisons left in the forts, most of the soldiers having been withdrawn to defend Detroit from the attack threatened from Pittsburg. The French population they found showing some inclination toward the United States, though the British were constantly endeavoring to inflame their minds against them. With this information Clark set out for Williamsburg, in the fall of 1777, having for his main object the settlement of his accounts in reference to the Kentucky militia, of which he was the commander. Some of the Kentuckians looked to him for an enterprise for their relief, others expected him to join the army in Virginia, and never to return to them. He left the country reluctantly, and with a promise of return to their assistance.

He had determined, for reasons not expressed, "not to have any further command whatever, without he should find a very great call for troops, and his country in danger." Upon his arrival at Williamsburg he proceeded to settle his accounts, watching in the meanwhile the disposition of those in power and the events of the war. He soon found that the Americans were as sorely pressed by the English from the seaside, as they were by the Indians from the western wilderness.

The capture of Burgoyne, however, put a different aspect upon affairs, and induced him to suggest to a few leading men, George Wythe, George Mason, and Thomas Jefferson, the plan of attacking the British posts in the Illinois country. These gentlemen communicated with the Governor, and on December 10, 1777, Clark had an interview with him. Governor Henry eagerly seized upon the suggestion, and on the morning of that day sent a special message to the Legislature, then in session, asking for such authority as he needed to carry it out. Success depended upon secrecy, and the three men let into the secret undertook to get the bill through the body without revealing its object. The House Journal of December 10, 1777, shows the receipt of the Governor's letter, and the following action on it:

*"Resolved,* That the Governor be empowered, with the advice of the council, to order such part of the militia of this commonwealth as may be most convenient, and as they shall judge necessary, consistently with the security of this commonwealth, to act with any troops on an expedition that may be undertaken against any of our western enemies."*"*



A bill was passed accordingly, which gave the Governor all the power he wanted.<sup>1</sup>

The Governor then made the most particular inquiries of several gentlemen at Williamsburg who were well acquainted with the situation of the British posts, and questioned Clark closely as to his plans, including the chances of retreat across the Mississippi in case of defeat, where the Spaniards, it was believed, would afford protection. The result was the determination at once to make ready the expedition. Clark was summoned to attend the Council and was urged to accept the command. He tells us: "It was far from my inclination at that time. . . . However I accepted it after being told the command of this little army was designed for me."<sup>2</sup> The following entry in the Executive Journal shows the action taken in setting on foot this memorable enterprise.

"FRIDAY, Jan'y 2, 1778.

"Present, His Excellency, John Page, Dudley Digges, John Blair, Nathaniel Harrison and David Jameson, Esquires.

"The Governor informed the Council that he had had some conversation with several Gentlemen who were well acquainted with the Western Frontiers of Virginia, & the situation of the post at Kaskasky held by the British King's Forces, where there are many pieces of cannon, & military stores to a considerable amount; & that he was informed the place was at present held by a very weak garrison, which induced him to believe that an expedition against it might be carried on with success, but that he wished the advice of the Council on the occasion.

<sup>1</sup> Henning's Statutes at Large, ix., 374-5.

<sup>2</sup> Clark's Campaign in the Illinois, 28.

“Whereupon they advised his Excellency to set on foot the expedition against Kaskasky with as little delay & as much secrecy as possible, & for the purpose to issue his warrant upon the Treasurer for twelve hundred pounds payable to Col. George Rogers Clark, who is willing to undertake the service, he giving bond & security faithfully to account for the same. And the Council further advised the Governor to draw up proper instructions for Colonel Clark. His Excellency having prepared the instructions accordingly, the same were read, approved of, & are as follows, viz. :

“COLONEL CLARK, You are to proceed with all convenient speed to raise Seven Companies of Soldiers to consist of fifty men each, officered in the usual manner, & armed most properly for the enterprise, & with this force attack the British post at Kaskasky.

“It is conjectured that there are many pieces of Cannon, & military stores to considerable amount at that place, the taking and preservation of which would be a valuable acquisition to the state. If you are so fortunate therefore as to succeed in your expedition, you will take every possible measure to secure the artillery & stores, & whatever may advantage the state.

“For the transportation of the Troops, provisions, &c., down the Ohio, you are to apply to the Commanding officer at Fort Pitt for boats, & during the whole transaction you are to take especial Care to keep the true destination of your force secret. Its success depends upon this. Orders are therefore given to Capt<sup>n</sup> Smith to secure the two men from Kaskasky; similar conduct will be proper in similar cases.

“It is earnestly desired that you show humanity to such British Subjects, and other persons, as fall in your hands. If the white Inhabitants at the post & the neighbourhood, will give undoubted evidence

of their attachment to this State (for it is certain they live within its Limits), by taking the test prescribed by law, and by every other ways and means in their power, let them be treated as fellow-citizens, and their persons and property duly secured. Assistance and protection against all enemies whatever shall be afforded them, & the commonwealth of Virginia is pledged to accomplish it. But if these people will not accede to these reasonable demands, they must feel the miseries of war, under the direction of that Humanity that has hitherto distinguished Americans, & which it is expected you will ever consider as the Rule of your Conduct, & from which you are in no Instance to depart. The corps you are to command are to receive the pay and allowance of militia, & to act, under the laws and regulations of this state now in force, as militia. The Inhabitants at this post will be informed by you that in case they accede to the offers of becoming citizens of this Commonwealth, a proper Garrison will be maintained among them, & every attention bestowed to render their Commerce beneficial, the fairest prospects being opened to the Dominions of both France & Spain.

“It is in Contemplation to establish a post near the mouth of the Ohio. Cannon will be wanted to fortify it. Part of those at Kaskasky will be easily brought thither or otherwise secured, as circumstances will make necessary.

“You are to apply to General Hand for powder & Lead necessary for this Expedition. If he can't supply it, the person who has that which Capt. Lynn brought from Orleans can. Lead was sent to Hampshire by my orders, & that may be delivered you.”

The humane spirit in which this paper was conceived has been greatly applauded by historians. One writer on Kentucky, speaking of the instruc-

tions, says, "they form a monument of durable glory in the Revolutionary annals of our parent state."<sup>1</sup>

In order to encourage enlistments, the three gentlemen who undertook to procure the necessary legislation, also pledged themselves to use every exertion to obtain a grant of a bounty of three hundred acres of land for each soldier who might enlist. It will be seen that it was the design of the Governor to establish a post near the mouth of the Ohio, in order that it might command both rivers. This is the first time that we meet with such a suggestion, and it appears to have been the conception of Governor Henry, in order to hold the Mississippi as a western boundary. Butler, in his "History of Kentucky,"<sup>2</sup> gives the credit of this "politic measure" to Governor Jefferson, basing his conclusion on a letter of express instruction written by Governor Jefferson June 28, 1778. The letter is not given, and if it was written by the Governor of Virginia at that date, it was the letter of Governor Henry. If it was indeed written by Mr. Jefferson, it was subsequent to the instructions of Governor Henry to Clark. The Fort was not erected until 1780, when Mr. Jefferson was Governor, and thus the impression doubtless originated that he first designed it. It is now seen, however, that the credit is due, not "to the comprehensive mind of this statesman," but to that of Governor Henry.<sup>3</sup>

<sup>1</sup> Butler: History of Kentucky, 47.

<sup>2</sup> Pp. 112, 118.

<sup>3</sup> After Clark had left Williamsburg he wrote to Mr. Jefferson, and a fragment of the reply of the latter is preserved in Mr. Henry Pirtle's Introduction to "Clark's Campaign in Illinois." It is as follows:

WILLIAMSB. . . .

"COL. GEO. R. CLARK.

"SIR: Your letter and verba . . . by Mr St. Vrain was received yesterday. Your w . . . attended to. Much solicitude will be felt for

The secrecy required for the expedition would have been prevented had these instructions been used in raising the force. Governor Henry therefore gave Clark another paper to be used in recruiting his little army. It was as follows :

“LIEUT : COLONEL GEORGE ROGERS CLARK : You are to proceed, without loss of time, to enlist seven companies of men, officered in the usual manner, to act as militia under your own orders. They are to proceed to Kentucky, and there to obey such orders and directions as you shall give them for three months after their arrival at that place; but to receive pay, etc., in case they remain on duty a longer time.

“You are empowered to raise these men in any county in the commonwealth; and the county lieutenants, respectively, are requested to give all possible assistance in that business.

“Given under my hand at Williamsburgh, January 2, 1778.

“P. HENRY.”

In addition to these instructions, Colonel Clark was ordered verbally, in case of success, to carry his arms to any quarter he pleased. He left Williamsburgh January 18, 1778, having advanced £150 to

the result of your expedition to the Wabash; it will, at least, delay their expedition to the frontier settlement, and if successful, have an important bearing ultimately in establishing our northwestern boundary.

“I am, sir, your most obedient,

“TH. JEFFERSON.”

This plainly shows the importance attached to the actual occupation of the Northwest in establishing the western boundary, as against Great Britain, whenever peace should be made. As Mr. Jefferson was taken into the counsels of Governor Henry while planning this expedition, this letter throws a strong light upon the motives leading to it, which were not simply the protection of Kentucky.

Major William Smith to recruit men on the Holston, with orders to meet him in Kentucky. Captain Leonard Helm, of Fauquier, and Captain Joseph Bowman, of Frederick, each promised to raise a company, and meet him in February at Redstone Old Fort.<sup>1</sup> Clark himself went into West Augusta and to Pittsburgh, contracting for stores and appointing recruiting officers, among whom he mentions Captain William Harrod. He soon found that many men of influence were exerting themselves to prevent the recruiting of his little army, not knowing its destination, but believing his design to be to carry his men into Kentucky. Captain Helm's authority was questioned, and he was so impeded thereby that he was forced to send to the Governor to get his conduct ratified. Clark found strong opposition in the country around Pittsburgh, where the inhabitants were divided between Virginia and Pennsylvania on the question of boundary. The lower class of the Pennsylvania party were unwilling to enlist at the call of Virginia, and the better class of both parties were unwilling to furnish men for the defence of Kentucky, while their own frontier was so constantly troubled by the Indians. Clark was soon convinced that he would not be able to raise the whole force he desired, without which he despaired of carrying out his design of finally attacking Detroit. He says: "I found my case desperate, the longer I remained the worse it was. I plainly saw that my principal design was baffled, I was resolved to push to Kentucky with what men I could gather in West Augusta; being joined by Captains Bowman and Helm, who had each raised

<sup>1</sup> Now Brownsville, on the Monongahela.



a company for the expedition, but two-thirds of them was stopt by the undesigned enemies to the country that I before mentioned. On the whole I had about one hundred and fifty men collected and set sail for the Falls. I had previous to this received letters from Captain Smith on Holdston informing me that he intended to meet me at that place with near two hundred men, which encouraged me much, as I was in hopes of being enabled by that reinforcement, at least to attack the Illinois with a probability of success, &c." On May 12, he set out from Redstone, and taking in his stores at Pittsburgh and Wheeling, he proceeded with caution down the river. At the mouth of the Kanawha, Captain Harrod's company joined him. His officers had been able to recruit only those who had friends in Kentucky, or who desired to see that country, and with these there went a number of families and private adventurers. Expresses were sent to Kentucky to direct Captain Smith to join him at the Falls of the Ohio. Upon arriving at that point, Clark encamped upon a small island in the middle of the falls. Here he was joined, not by Captain Smith with four companies, but by Captain Dillard with only a part of a company, the balance of the force he had confidently expected with Captain Smith having been prevented from marching by the opposition of the communities in which they lived. He was glad to welcome here Colonel Montgomery with some Kentuckians, though few in number. Clark now set a strict guard upon the boats, to prevent desertions, and commenced to discipline his little force. When he informed his men of their destination, Lieutenant Hutchings, of Dil-

lard's company, asked leave to return, and being refused, deserted with his men. A few of the deserters were taken next day. The rest of Clark's men consented to follow him, and on June 24, with the sun in total eclipse, he left the Falls, and the families that had accompanied him thus far,<sup>1</sup> and dropped down to the mouth of the Tennessee, where they captured a boatload of hunters who were only eight days from Kaskaskia. From these he learned all that he desired about the post. He had been greatly encouraged by a letter from Colonel Campbell, written from Pittsburgh, informing him of the treaty between France and America, but still his situation was enough to discourage any one of a less heroic temper. He had only four companies, commanded by Captains John Montgomery, Joseph Bowman, Leonard Helm, and William Harrod, and with these he was about to march to attack a fort garrisoned by trained soldiers, and through a country filled with hostile tribes of Indians. In case of defeat he must either escape across the Mississippi, or perish, as he would be more than one hundred miles from the Kentucky settlements. He was nothing daunted, however. Leaving the river he plunged with his brave men into the wilderness, led by a guide whose life was the pledge of his good faith. The party had a scant commissary, as they found but little game. On July 4, 1778, they arrived within a few miles of the fort, and prepared to take it by surprise. A soldier from the garrison, who was hunting, was taken prisoner, and at night, under his guidance, Clark, with a part of his command, entered the fort by a postern gate left open on the river side. The rest

<sup>1</sup> They moved to the mainland and commenced the city of Louisville.

of the command surrounded the town, and both town and fort were taken possession of without a drop of bloodshed. M. Rochblave, the commandant, was captured in the fort. Among his papers were his instructions to stir up Indian wars and give rewards for scalps.<sup>1</sup> There being a large admixture of French in the town, Clark soon won them to the American cause, which their king had embraced. Among those who were his firmest friends was Pierre Gibault, a Catholic priest, who had lately come from Canada, and who proved to be of the greatest advantage to him. In a few days Cohokia, about sixty miles up the Mississippi, was in the possession of the Virginians, the inhabitants having been won over through the aid of some of the French from Kaskaskia.

Clark next laid his plans for an attack upon the post at St. Vincent's, on the Wabash River. The priest however begged to be permitted to visit that place, promising to win it over. Taking with him some Frenchmen, and a proclamation from Clark, he in a few days reported complete success, and the Virginians soon occupied that important post. Finding himself in possession of the important British forts other than Detroit, Clark next turned his attention to the native tribes, and showed himself to be a master of Indian diplomacy. He dealt in no soft speeches, and always waited for them to make the first advance toward treaties of peace. He prepared an admirable address, in Indian style, explaining the causes of the American struggle; in it he boldly told the Indians that the "Big Knives" were ready for peace or war, and invited them to

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<sup>1</sup> Letter of Captain Joseph Bowman, Almon's Remembrancer, viii., 82.

take their choice. This, with his capture of the British forts, had a wonderful effect, and thirteen tribes sued for peace.<sup>1</sup> Clark now found himself straitened for men to hold his conquests. The time for which his little army had enlisted was about to expire, and the greater part of the men were for returning home. By liberal presents and promises he prevailed upon about one hundred to remain with him for eight months longer, and he filled the places of those returning with French recruits, as far as possible. He stationed Captain Bowman at Cohokia and Captain Helm at St. Vincents, each with a small force. With the returning soldiers he sent Rochblave a prisoner, in charge of Captain John Montgomery, and letters from himself and Captain Helm to the Governor which gave information of his great success, and of the taking of the oath of allegiance by the inhabitants of the captured towns. Captain William Linn was ordered to return also, and to establish a fort at the Falls of the Ohio.

The letters reached Williamsburg November 16, 1778, and the Governor on the same day communicated their contents to the Assembly, and to the Virginia delegates in Congress. In his letter to the latter he offered to order Colonel Clark to co-operate with any expedition which Congress might send into the western country. He added: "Were it possible to secure the St. Lawrence, and prevent the English attempts up that river by seizing some post on it, peace with the Indians would seem to me to be secured."

<sup>1</sup> See Butler's History of Kentucky for full account of Clark's negotiations with the Indians.

The Assembly voted a resolution of thanks to Colonel Clark and his brave men, and took measures to secure the fruits of their heroism. An act was passed establishing the county of Illinois, to embrace the territory between the Ohio and the Mississippi, and the Governor was directed to appoint a Lieutenant, or Commandant-in-chief for the county, and to raise a force of five hundred men to serve within it.<sup>1</sup> He was also directed to take steps for the establishment of trade between that country and New Orleans.

On December 12, 1778, Governor Henry appointed Colonel John Todd,<sup>2</sup> of Kentucky, Lieutenant of the new county; Lieutenant-Colonel John Montgomery was directed to superintend the recruiting of five new companies, Captain Isaac Shelby to procure the necessary boats to transport the troops down the Cherokee River, and James Buchanan to provide the provisions needed for them. Governor Henry prepared the instructions to Colonels Clark, Todd, and Montgomery. Happily these papers were spread upon the journal, and are thus preserved to us.<sup>3</sup> No one can read them without being impressed with the statesmanship of the author.

In the meanwhile Clark's situation became critical. The abandonment by General McIntosh of his expedition against Detroit, left Governor Hamilton free to attempt the recovery of his lost forts. With a force estimated at from five to eight hundred men, mostly Indians from the Six Nations, he descended the Wabash and recaptured St. Vincents


<sup>1</sup> Hening's Statutes at Large, ix., 552.

<sup>2</sup> Colonel Todd was the nephew of Reverend John Todd, of Louisa County, Va., and was educated by him.

<sup>3</sup> See post, vol. iii., 208-218.

December 15. He then despatched a part of his force to Kaskaskia with orders to capture Clark, but they found him too strong to attempt it and returned. On January 29, 1779, Colonel Francis Vigo, a Spanish merchant at St. Louis, who had visited St. Vincents at the instance of Clark, returned with accurate information as to Hamilton's force and plans. From him Clark learned that Hamilton had abandoned the idea of attacking him during the winter, but he was fortifying himself and preparing for operations on a large scale so soon as the season permitted. His plans included not only the driving of Clark from the Illinois country, but the destruction of the Kentucky settlements, and of all those west of the Alleghanies in Virginia, up to Pittsburgh. He was relying on an additional force of seven hundred Indians, which would make his army about fifteen hundred strong, and was provided with all necessary arms, including light cannon.

In the meanwhile he had sent out his Indian allies to make war on the frontier and block up the Ohio, and had only eighty men with him at St. Vincents. Clark had heard not a word from Virginia since he left it, and could not rely on reinforcements from that quarter, as he did not even know whether his express had gotten safely through to Williamsburg. With true genius he saw that his safety depended upon his attacking Hamilton while his Indians were away, and he at once determined upon what, under the circumstances, seemed a desperate venture. On February 3, 1779, the day after Vigo's return to Kaskaskia, Clark wrote Governor Henry of his situation and added: "I



shall set out in a few days with all the force I can raise of my own troops and a few militia that I can depend on, amounting in the whole to only one hundred and seventy men, part of which go on board a small Galley mounting two four-pounders, and four large swivels, one nine-pounder, on board. This boat is to make her way good if possible, and take her station ten leagues below St. Vincents until further orders. If I am defeated she is to join Colonel Rogers on the Mississippi. She has great stores of ammunition on board, commanded by Lt. John Rogers. I shall march across by land myself with the rest of my boys. The principal persons that follow me on this forlorn hope are Captains Joseph Bowman, John Williams, Ed<sup>m</sup> Worthing, Rich<sup>d</sup> McCarty and Fran<sup>s</sup> Charloville—Lieu<sup>t</sup> Rich<sup>d</sup> Brashear, W<sup>m</sup> Kellar, Ab<sup>m</sup> Chaplin, Jno. Jerault and Jno. Bayley, and several brave subalterns. You must be sensible of the feeling I have for those brave officers and soldiers that are willing to share my fate let it be what it will. I know the case is desperate, but sir, we must either quit the country or attack Mr. Hamilton, no time is to be lost. Were I sure of reinforcements, I should not attempt it. Who knows what fortune will do for us. Great things have been effected by a few men well conducted. Perhaps we may be fortunate. We have this consolation, that our cause is just, and that our country will be grateful and not condemn our conduct in case we fall through. If so this country as well as Kentucky I believe is lost. . . . The expresses that you have sent I expect have fallen into the hands of Governor Hamilton.”<sup>1</sup>

<sup>1</sup> Post, vol. iii., 220.

Never were a few men better conducted, or greater things effected by them.

On February 7, he commenced his desperate march of two hundred and forty miles across a wilderness filled with swollen streams, with a command of one hundred and thirty men. So great were the difficulties of this celebrated march, that sixteen days were consumed in making it. The country is flat, and heavy rains had flooded it. On February 17, they reached the Embarras River, at a point nine miles from St. Vincents. They had to cross this and the Wabash to reach their destination, and every foot of the way was covered with deep water. Finding it impossible to cross the Embarras, they marched down its bank to the Wabash, at which point they were ten miles from St. Vincents with the way still under water. They had hoped to meet their galley here, but were disappointed, and their provisions were exhausted. In writing to Colonel Mason of what followed Clark says: "If I were sensible that you would let no person see this relation, I would give you a detail of our suffering for four days in crossing those waters, and the manner it was done, as I am sure that you would credit it; but it is too incredible for any person to believe except those that are as well acquainted with me as you are, or had experienced something similar to it." What he hesitated to relate is furnished in part by the journal of Captain Joseph Bowman,<sup>1</sup> from which we extract the following:

"18<sup>th</sup> (February). At break of day heard Gov. Hamilton's morning gun. Set off and marched

<sup>1</sup> Appendix B, Clark's Campaign in the Illinois.



down the river. Saw some fine land. About two o'clock came to the bank of the Wabash; made rafts for four men to cross and go up to town and steal boats. But they spent day and night in the water to no purpose, for there was not one foot of dry land to be found.

"19<sup>th</sup>. Capt McCarty's company set to making a canoe; and at 3 oclock the four men returned after spending the night on some old logs in the water. The canoe finished, Capt. McCarty with three of his men embarked in the canoe and made the third attempt to steal boats. But he soon returned, having discovered four large fires about a league distant from our camp, which seemed to him to be fires of whites and Indians. Immediately Col Clark sent two men in the canoe, down to meet the batteau, with orders to come on day and night; that being our last hope, and we starving. Many of the men much cast down, particularly the volunteers. No provisions of any sort, now two days. Hard fortune!

"20<sup>th</sup>. Camp very quiet but hungry; some almost in despair; many of the Creole volunteers talking of returning. Fell to making more canoes, when, about 12 oclock, our centry on the river brought to a boat with five Frenchmen from the post who told us we were not as yet discovered, that the inhabitants were well disposed towards us, &c. Capt. Willing's brother, who was taken in the fort, had made his escape to us. And that one Madisonville with a party of Indians, were then seven days in pursuit of him, with much news,—more news to our favor, such as repairs done the fort, the strength, &c., &c. They informed us of two canoes they had adrift some distance above us. Ordered that Capt Worthington, with a party, go in search of them. Returned late with one only. One of our men killed a deer which was brought into our camp. Very acceptable.

"21st. At break of day began to ferry our men over in our two canoes to a small hill called the Momib or Bubbriss; Capt Williams, with two men, went to look for a passage and were discovered by two men in a canoe, but could not fetch them to. The whole army being over, he thought to get to town that night, so plunged into the water sometimes to the neck, for more than one league, when we stopped on the next hill of the same name, there being no dry land on any side for many leagues. Our pilots say we cannot get along, that it is impossible. The whole army being over we encamped. Rain all this day—no provisions.

"22d. Col. Clark encourages his men, which gave them great spirits. Marched on in the waters. Those that were weak and famished from so much fatigue, went in the canoes. We came one league farther to some sugar camps, where we stayed all night. Heard the evening and morning guns from the fort. No provisions yet. Lord help us!

"23d. Set off to cross the plain called Horse-shoe Plain, about four miles long, all covered with water breast high. Here we expected some of our brave men must certainly perish, having froze in the night, and so long fasting. Having no other resource but wading this plain or rather lake, of waters, we plunged into it with courage, Col. Clark, being first, taking care to have the boats take those that were weak and numbed with cold into them. Never were men so animated with the thought of avenging the wrongs done to their back settlements, as this small army was.

"About one o'clock we came in sight of the town."

Clark sent a letter to the inhabitants of the town, asking them if friendly to keep their houses, and if unfriendly to repair to the fort, which he would attack at once. No resistance was made in the town,

and the fort was taken so completely by surprise that the garrison did not realize that an enemy was near, until a man was wounded by a shot through a port-hole. On the next day, February 24, the fort surrendered after standing a constant firing for twenty hours. On the day following Clark despatched a force of sixty men up the river to intercept a party in charge of stores which Hamilton was expecting. They captured forty men, among whom was Philip Dejean, Grand Judge of Detroit, and with them seven boatloads of provisions and stores. On the 27th the galley arrived with William Morris, the express from Williamsburg, who had been taken up on the way, and whose despatches with the action of the Assembly on hearing of Clark's first successes, gave great joy.

Clark now found himself with almost as many prisoners as he had men. He discharged the greater part of them on parole, holding the principal officers and those who had been in Indian raids. On March 7, he sent Captain Williams, with twenty-four men, to the Falls of the Ohio, in charge of Lieutenant Hamilton, Major Hays, Captain Lamothe, Monsieur Dejean, Lieutenant Shifflin, Dr. McBeth, Francis McVile, Bell Fenilb, and eighteen privates. These prisoners were to be forwarded to the Governor. The atrocities of Hamilton had been so great that Hamilton, Dejean, and Lamothe were put in irons by way of retaliation, under an order of Council, June 16, 1779.

Clark was eager to march at once upon Detroit, but he had so small a force, and felt so sure that he would be better prepared later, when the battalion promised by the letter of Governor Henry, and the

recruits expected from Kentucky should arrive, that he determined to wait for them. He therefore contented himself with making treaties with the tribes near St. Vincents who had not previously been friendly, and on March 20, 1779, set out for Kaskaskia by water, with a guard of eighty men, leaving Captain Helm in command of the town.

On his return he found Captain Robert George had arrived with the company lately commanded by Captain James Willing, which had left Pittsburgh in January, and proceeded down the river to New Orleans. Returning they had captured Bayou Manchac and Nachez, and laid waste the country adjacent.<sup>1</sup> Captain Willing was from Philadelphia, and his men were probably all Pennsylvanians, some doubtless from the disputed territory around Pittsburg. They joined Clark after he had closed his brilliant campaign in the Illinois country, and therefore had no share in it, as has been sometimes claimed.

Clark now gladly turned over to Colonel Todd the civil department of the country, and set to work preparing for an expedition against Detroit. He wrote to Colonel John Bowman, commanding the militia of Kentucky, and to Colonel Montgomery to join him with as little delay as possible with the men they had raised, and hearing that his trusty express, William Morris, had been killed by the Indians, he wrote a second letter to Governor Henry, dated April 29, 1779, giving the particulars of his recapture of St. Vincents and stating his plans. This most interesting letter happily got to

<sup>1</sup> Martin's History of Louisiana, ch. iii.

its destination, though after Governor Henry's term had expired, and has been preserved.<sup>1</sup>

But Clark was doomed to another bitter disappointment. Captain George was soon ordered to Pittsburg and left him,<sup>2</sup> Colonel Montgomery brought him only one hundred and fifty men, and Colonel Bowman disappointed him altogether. Instead of marching to St. Vincents as directed by Clark, he determined on an expedition against the Indian town at Old Chilicothe, on the Miami. Finding himself opposed by the noted Simon Girty at the head of a considerable body of Indians, he deemed it best to retreat after having inflicted some injury on the enemy. On the retreat he was overtaken and defeated in battle, and his men were so discouraged that no attempt was made to carry them to Clark.<sup>3</sup> Detroit in the meanwhile had been greatly strengthened in expectation of an attack, and Clark was forced to let another season pass without attempting its capture. He however established a fort at the mouth of the Ohio, calling it Fort Jefferson.

This expedition to the Illinois, sent out by Governor Henry, and so brilliantly conducted, won for Clark the title of the "Hannibal of the West."<sup>4</sup> In that genius which stops at no obstacle that nature may offer, and rises superior to every emergency, the Virginia soldier may well be compared to the Carthaginian. But in the results of their campaigns Clark has infinitely the advantage. Hannibal was forced to leave his conquests in Italy to defend his

<sup>1</sup> See Jefferson's Works, vol. i., 222.

<sup>2</sup> Pennsylvania Archives, Appendix, 142-3.

<sup>3</sup> Clark's Campaign in the Illinois, 86. Butler's Kentucky, 108.

<sup>4</sup> Given Clark by John Randolph, of Roanoke.

own country against the foe he had infuriated, but not subdued, and the Roman cry *Carthago delenda est*, which he aroused, never ceased till Carthage was destroyed. Clark, on the contrary, secured a magnificent empire to his country.<sup>1</sup>

In remembering the men to whom Virginia was indebted for the success of this most important expedition, one name deserves the highest honor. It is that of Oliver Pollock, the agent of the State at New Orleans, who furnished the money which enabled Clark to complete and to hold his conquests. Pollock was born in Ireland, but emigrated to Carlisle, Pa., when a young man. Removing afterward to Cuba to engage in mercantile pursuits, he was drawn into intimate relations with Don Alexander O'Reily, the Governor-General of the Island. Upon the cession of Louisiana to Spain by France, he settled in New Orleans, and soon accumulated a large fortune by his enterprise and skill as a merchant. His high character won for him the regard of the community, and when Don Bernardo de Galvez was appointed Governor of Louisiana, he gave him his entire confidence. In June, 1777, the secret Committee of Congress appointed him commercial agent at New Orleans. Previous to this appointment, when Colonel Gibson visited that place in 1775, he rendered him all the aid in his power, and wrote the following letter by him to the president of the Committee of Safety of Virginia.

"Sir: This will be handed you by Cap<sup>n</sup> George Gibson, whom I have supplied with sundries, and

<sup>1</sup> See Introduction of Henry Pirtle to Clark's Campaign in the Illinois.

to whom I beg leave to refer you for particulars. As I conceive myself to be too much interested in everything that concerns America (notwithstanding my present situation is remote from the scene of action) to let slip any opportunity of exerting my utmost endeavors for the good of the cause. Permit me therefore to make tender of my hearty services, and to assure you that my conduct shall be ever such as to merit confidence and approbation of that country to which I owe everything but my birth.

"I have the Honour to be Sir,

Your most obedient and  
very humble servant,

"OL<sup>d</sup> POLLOCK."

"TO THE HON'BLE, THE PRESIDENT OF THE GRAND  
COUNCIL OF SAFETY OF THE COLONY OF VIRGINIA."

Upon the receipt of this letter he was requested to act as commercial agent for the State, and when Colonel Clark was sent northwest he was authorized by Governor Henry to draw on him for the money he might need during the expedition. It was soon found by Clark that continental money was valueless in the country he was in, and he commenced making drafts on Pollock, which in a short while reached \$52,161. These were met by him, though the State had been unable to supply him with the means. The tobacco upon which it relied as a basis of credit, was blockaded in the Chesapeake, and was afterward destroyed by the British. Pollock, with the enthusiasm of his race, risked his entire fortune in his advances for Virginia and the United States, for which he was also agent, and before they could reimburse him became greatly straitened in his circumstances.<sup>1</sup> A report of Jerman Baker and W.

<sup>1</sup> For an admirable sketch of Oliver Pollock, I am indebted to Rev. Horace Edwin Hayden, in his *Pollock Genealogy*.

Alexander, commissioners appointed to settle the claims of Pollock against the State, was made December 18, 1785, in which the balance due was stated to be "ninety-two thousand three hundred twenty-one dollars three hits and one-half in specie, including interest until December 1, 1785." The Commissioners recommend to the Assembly the consideration of the justice of remunerating him, in addition to paying this amount, for the damages sustained in the ruin of his fortune, and the distress to his family, because of the protest of his bills drawn on Penet & Co., commercial agents of the State in France. And in support of his meritorious claims, they add: "General Clark certifies in a letter to Mr. Pollock from New York, that the advances made him by Mr. Pollock were very essential in enabling him to preserve the conquests he had made, and General Galvez, now viceroy of Mexico, not only places Mr. Pollock in a very honorable point of view, but also points out, in some measure, how Mr. Pollock was enabled to make such considerable advances to this and to the United States." <sup>1</sup>

The name of Oliver Pollock must therefore be forever linked with that of George Rogers Clark in our grateful remembrance of those who secured us the great Northwest.

<sup>1</sup> MS. Report to Governor in Legislative Papers.





## CHAPTER XXIV.

### GOVERNOR OF VIRGINIA.—SECOND TERM.—1778.

Expedition of Colonel David Rogers to the Lower Mississippi.—Stores sent by Spain to New Orleans for Virginia.—Instructions to Colonel Rogers.—Experiences of Colonel Rogers and his Men.—Disturbances in Virginia by Tories.—Josiah Phillips and his Band.—Action of Governor Henry and of the Legislature in Reference to Them.—British and Quaker Prisoners sent to Virginia.—Foreign Officers Seeking Employment.—The Governor Obtains Munitions of War and Loans from Europe.—James Madison in the Council.—Second Marriage of Governor Henry.—His Estate.—His Purchase of Lands in Henry County.—Third Election as Governor.

ABOUT the time that Clark was despatched on his expedition, Governor Henry sent a company of men under Colonel David Rogers, the Senator from West Augusta, on an expedition to the lower Mississippi, which, though meeting with final disaster, is worthy to be remembered. The occasion of this expedition is found in the following entry on the Executive journal for October 18, 1777 :

“The Board having received information that sundry stores which were requested some time ago by the Honourable Committee of safety from the Court of Spain, have been sent from Havanna to New Orleans, and are now stored there, and wait the orders of this state; they do advise the Governor to give instructions to Rawleigh Colsten, Esquire, who is about to sail for Cape Francois as agent for this state, to apply to the Governor of New Or-

leans for the same, and send them here without loss of time; and the Governor is further advised to write letters to the Governors of Cuba and New Orleans acknowledging the obligations the United States of America, and Virginia in particular, are under to his Catholic Majesty for this mark of his good will towards them. And his excellency having prepared Letters accordingly, the same were read, approved of & ordered to be recorded."

This entry shows that Spain was secretly aiding Virginia before France recognized American independence.

The goods were not sent to Virginia from New Orleans as was expected, and on January 14, 1778, the following entry appears on the journal :

"His Excellency informed the Council that he had prevailed on Colonel David Rogers of the Senate, to convey to the Governor of New Orleans by way of the Mississippi, a letter which he was anxious to send, and laying the same before them it was read approved of and ordered to be recorded. His Excellency then laid before the council the following instructions to Colonel Rogers, which were also approved of, viz.

"Colonel Rogers, you are to proceed without loss of time to engage a Lieutenant, Ensign, and twenty-eight men, on double pay, and with them you are to go to New Orleans with Dispatches to the Governor of that place. I expect some goods are to be sent from thence for this state which you will take under your Care, and safely convey home, with answers to my letters. General Hand will be desired to give you assistance as to the Boats &c. necessary for the trip.

"I desire to know the strength of the English

possessions on Mississippi, and whether they supply the West Indies with any and what articles. The present State, Temper, and Condition of those people must be gathered by such means as will not endanger discovery. You are to consider of a proper place to fix a post at for facilitating and securing the trade to New Orleans, and Consult the Spanish Governor on it.

“Describe to that Gentleman the real strength and situation of Virginia, the progress of the war, and whatever else he may wish to know of the American Confederacy. You are to convey my instructions to Colonel Clark, by which he is directed to escort you homeward, & you are to correspond with me, and let me know the upshot of this Business as soon as possible.”

This letter shows the anxiety of Governor Henry to establish a military post which would command the lower Mississippi, and would enable the United States to secure the navigation of that river.

Colonel Rogers raised the men needed for his hazardous undertaking, and dropped down the river to the mouth of the Arkansas, then called the Ozark. Running his boats up that river to the head of the back-water, he left most of them and proceeded with only six or seven men to New Orleans. Here he found a British sloop of war in the port, the captain of which watched him so closely that it was impossible to accomplish the object of his mission at that time, although Don Bernard de Galvez, the governor, was very friendly to the United States. Sorely perplexed, Colonel Rogers determined to send Captain Robert Benham, who was with him, to the Governor of Virginia for advice. To reach Virginia he was obliged to traverse the vast tract of

country on the west of the Mississippi, occupied by the Indians and Spaniards. Benham, with the heroism characteristic of the times, undertook the journey, subsisting much of the way on Indian corn boiled in lye to save it from the weevil. He reached Kaskaskia in the spring of 1779, where he found Clark returned from his successful expedition against St. Vincents. From him he learned that Colonel Rogers had succeeded in evading the British, and had brought his boats laden with goods up the river to the vicinity of the Ohio, where he was waiting, under orders from Clark, for the result of the attack upon St. Vincents. Captain Benham joined Colonel Rogers soon afterward at the Falls of the Ohio, and they proceeded up that river for Pittsburgh. When they arrived at the Sandbar above the present city of Cincinnati, they discovered some Indians on rafts and in canoes coming out of the mouth of the Little Miami, which was then swollen. Colonel Rogers ordered his men to land and attack them, supposing they were few in number. But the Virginians had proceeded but a short distance before they were surrounded by five times their number,<sup>1</sup> and the command of about one hundred men was almost completely annihilated, Colonel Rogers being left among the dead. One of the boats got away, and with two men aboard returned to the Falls, and in all some nine or ten men escaped. Among these was Captain Benham, whose experience was most thrilling. He broke through the enemy's line, but was soon after shot through the hips. Fortunately a large tree had lately fallen near the spot where he fell, and with great

<sup>1</sup> The Indians were commanded by the infamous Tory, Simon Girty.

pain he dragged himself into the top and concealed himself among the branches. The Indians, eager in pursuit of the others, passed him without notice, and by midnight all was quiet. On the next day, however, they returned to strip the dead and take charge of the boats. Benham, though in great pain, and nearly famished, did not discover himself, but lay still till they had left the battlefield. On the evening of the second day, seeing a raccoon descending a tree near him he determined to fire at him, hoping in some way to reach him and make a meal. The report of his gun was answered by a human cry near him. Supposing it proceeded from an Indian, he hastily reloaded his gun, and waited in silence his approach. Presently the same voice was heard again and again, and seemed to be approaching nearer. No response being made, the stranger uttered an exclamation of impatience and distress, which convinced Benham that he was a comrade. He replied, and soon they were together. The man, whose name was John Watson, was found to have both arms broken. The two men, one disabled in both legs, and the other in both arms, subsisted for weeks till their wounds were healed; the one with sound arms killing game and the one with sound legs kicking it to the spot where his companion could take and cook it, and also bringing water from the river in his hat held between his teeth. Late in November these two brave men were rescued by some passing boats and carried to the Falls.

Captain Benham lived to serve his country in many ways afterward, and before he died was the owner of the land on which the battle was fought,

and a member of the legislature of the State of Ohio, which had been organized in a part of the wilderness he had aided in conquering from the savages.<sup>1</sup>

The Indian depredations, though checked by Clark's expedition and his treaties with the tribes in the Illinois country, were not entirely prevented. The British at Detroit strove to recover their lost ground, and continued to instigate attacks on the border. These Indian raids during the Revolution were often led by Tories who were more savage than the Indians themselves.

But Virginia was troubled by Tories other than those who joined the savage foe. In more than one county they made disturbances and incited resistance to the laws. The most notable instance of such Tory lawlessness occurred in the counties of Norfolk and Princess Anne, where, in the spring of 1777, a party of desperadoes, of whom Josiah Phillips, Livy Sykes, and John Ashley were principals, made insurrection, and commenced to rob and murder the peaceful citizens. John Wilson, the County Lieutenant of Norfolk County, at once apprised the Executive of the facts, and on June 20, 1777, the day his letter was received, Governor Henry issued his proclamation offering a reward of one hundred and fifty dollars for the arrest of any one of the principals, and his conveyance before a magistrate to be dealt with according to law.<sup>2</sup>

The arrests were not effected, and the desperadoes continued their depredations, hiding themselves when pursued in the fastnesses of the Dismal Swamp. In

<sup>1</sup> This account of Rogers's expedition is taken from Butler's History of Kentucky, Chapter vii.

<sup>2</sup> Executive Journal, 19.

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Phillips was

to proceed against him under the act. He was thereupon indicted and tried for robbery in the general court, Edmund Randolph, the Attorney-General, prosecuting, was convicted, and hung on December 4, 1778.<sup>1</sup> Afterward, both Governor Henry and the Legislature were censured for this act, and by a strange forgetfulness, Edmund Randolph, on the floor of the Virginia Convention, June 16, 1788, if correctly reported, declared that Phillips had been executed under the act of attainder, and proceeded to censure the act in the severest terms.<sup>2</sup> Governor Henry in replying to him seems to have also forgotten that Phillips was not executed under the act; and accepting Governor Randolph's statement as correct, he defended the Legislature,<sup>3</sup> on the ground that "a pirate, an outlaw, or a common enemy of mankind, may be put to death at any time, and the act is justified by the laws of nature and of nations." Mr. Jefferson has also defended the passage of the act in a letter to Girardin, the historian, March 12, 1815.<sup>4</sup> Whatever blame may attach to the Assembly, though none seems to be deserved, Governor Henry cannot be censured for transmitting to the body the letter of Colonel Wilson, upon which they acted, and this seems to have been his only action in the matter.

Among the burdens upon the Executive during his second term, was the necessary provision for the prisoners which were sent to Virginia by the order of Congress. Among these were the Hessians taken at Trenton, and the Quakers who were suspected of correspondence with the British during the

<sup>1</sup> MS. Copy of Judgment of the Court.    <sup>2</sup> Elliott's Debates, iii., 66-67.

<sup>3</sup> Idem, 140.

<sup>4</sup> Jefferson's Works, vi., 439.



march of General Howe upon Philadelphia. So many of these prisoners were quartered at Winchester that it became necessary to scatter them among the adjoining counties,<sup>1</sup> and their subsistence was a matter of grave concern in a State already drained to support the army in the field.

The inhuman treatment by the British of the Virginia sailors who fell into their hands was firmly met by Governor Henry, by an order, issued September 12, 1777, directing the close confinement of the officers and men of the British ship, *Solebay*, who had been taken prisoners, and a notification of the order to the British officer commanding on the Virginia coast.<sup>2</sup> This had the desired effect.

The Executive of Virginia was not exempt from the annoyance to the American authorities caused by the crowd of foreign officers, many mere adventurers, who sought our shores. Most of these came with engagements indiscreetly entered into with them by Silas Deane, representing Congress in Europe. The correspondence of Governor Henry shows that he soon distinguished the meritorious from the incompetent when they sought Virginia service. Among these foreign officers one name stands out pre-eminent. It is that of the chivalrous Marquis de Lafayette. At the age of nineteen he became so enamoured with the cause of America that he left his young bride, and the enjoyment of his ample fortune, to offer his sword, without reward, to the struggling republics. Received with great cordiality by Congress and the Commander-in-Chief, he soon had an opportunity of displaying his gallantry at the battle of Brandywine, where he was wounded fighting as a

<sup>1</sup> Executive Journal, October 23, 1777, p. 118.

<sup>2</sup> *Idem*, 81.

volunteer. He was rewarded by a command of Virginia troops. A kind mention of him by Governor Henry in a letter to General Washington, enclosing some mail from France, caused the Marquis to write directly to the Governor on January 3, 1778.<sup>1</sup> At once there sprung up a life-long friendship between the two, each having the greatest admiration for the other. The Governor named a son after the noble Frenchman, and the name continues among his descendants to the present day.

It is interesting to note the impression made on the Governor by another Frenchman, Captain Cotteneau, afterward the distinguished and trusted officer of Commodore Paul Jones. In a letter of May 28, 1778, to Richard H. Lee, he says of him, "He seems to possess discernment and enterprise. I like much his scheme of attacking our foes in Africa. 'Tis plausible and bids fair for success. Remember how Gorée was taken.<sup>2</sup> I think a 20-gun ship of this State might aid the attempt. Will it not distract their attention profitably? I long for something of the *éclat* that would attend such an enterprise. However, listen to the captain yourself and judge."

This extract indicates very plainly what would have been the character of Governor Henry as a soldier, and gives assurance that he would have displayed the same boldness and brilliancy in the camp as in the forum.

The military caution of the Governor was displayed by his order that Yorktown be fortified so as to afford protection to the ships of the French,

<sup>1</sup> Post, vol. iii., 188.

<sup>2</sup> A small island near Cape Verd, on the African coast, which, though a place of great strength, had been captured from the French by the English.

men-of-war as well as merchantmen, that might come to Virginia.<sup>1</sup> This fortification no doubt led to its occupation by Cornwallis afterward.

The effort of the Governor to procure from abroad munitions of war and loans of money for the State was continued during this term. On December 29, 1777, he directed William Lee, the agent of the State at Nantes, to procure as soon as possible 20,000 stand of good arms for the use of the militia, to be paid for in tobacco.<sup>2</sup> Finding difficulty in purchasing with this commodity from the delay in its delivery, on April 9, 1778, he directed him "to borrow of His most Christian Majesty, or any other person, any sum not exceeding two million livres for that purpose."<sup>3</sup> And on May 19, 1778, he directed him to purchase the proper cannon, mortars, and howitzers for the fortification of Yorktown.<sup>4</sup>

The fleet of the enemy had almost destroyed the trade of Virginia, and to protect it, Governor Henry stationed three galleys, all the vessels he could command for the purpose, between the Capes. On April 10, he wrote an urgent letter to the Governor of Maryland asking for assistance. The letter shows the straits to which the Virginia trade had been reduced.

On January 14, 1778, James Madison took his seat as a member of the Privy Council,<sup>5</sup> and all accounts agree as to the high appreciation of his services by the Governor. But the statement made by his biographer, upon the testimony of Mr. Jefferson, that his skill in foreign languages and readiness with his pen caused him to be so useful as an interpreter,

<sup>1</sup> Executive Journal, 252-255.

<sup>2</sup> Ibid., 157.

<sup>3</sup> Ibid., 237.

<sup>4</sup> Ibid., 255.

<sup>5</sup> Ibid., 225-26.

and in preparing papers for the Governor, "that he bore with many the title of *secretary* as well as *councillor* of state,"<sup>1</sup> must be incorrect. The Governor reported to the Assembly, May 13, 1778, that the Council were not accurately acquainted with the French tongue, and the Journal of March 26, 1778, records that "The Board having experienced very great inconvenience for some time past, from the want of a faithful and capable person to act as secretary and interpreter of the French and other foreign languages, and it being evident, from our growing communication with foreigners that the want will be attended with greater difficulties in future, they advise the Governor to appoint Mr. Charles Bellini to the office of interpreter and secretary for foreign communications, and to apply to the next Assembly to make the office permanent;" which was done. As to the preparation by Mr. Madison of the papers issued by Governor Henry, a comparison of the papers during his service as councillor with those of the other years of Mr. Henry's service, will demonstrate that there is nothing to show that they were by different hands.

Among the acts of Assembly during the second term of Governor Henry which should be noticed, were those for sequestrating British property and enabling Virginia debtors to pay their dues to British creditors into the State treasury,<sup>2</sup> for establishing a high court of chancery and a general court,<sup>3</sup> and for ratifying the articles of confederation.<sup>4</sup>

The Journal contains painful evidence of the continued ill health of Governor Henry during this

<sup>1</sup> Rives's Madison, I., 189-90.

<sup>2</sup> Hening, Statutes at Large, ix., 377.

<sup>3</sup> Ibid., 389, 401.

<sup>4</sup> House Journal, December 15, 1777.

term. On September 15, 1777, Council that the state of his health tiring for some time into the council not sit at the Council Board again on June 29. Again, on June 2, 1778, the position is noted, and between the other absences, some of which are attributable to the same cause.

On October 9, 1777, he married Bridget, a daughter of Nathaniel Wilson of Dorothea Spotswood, a daughter of Governor Alexander Spotswood. She was descended from Captain John Wilson, who was in the Council in 1635, a brother of Lord Fairfax, a cousin of the Earl of Essex, the wife of the whimsical Elizabeth. She outlived her husband and survived him.

At the time of his second marriage Henry owned, besides his farm at Botetourt, and two small tracts in Botetourt, and two in Kentucky. He was the master of the ship and received twelve in addition to his marriage portion. Soon afterward he moved to his town place in Hanover to Wilson's farm near the Bay had been taken for the Virginia troops. He bought of Thomas Lomax a three-fourth interest in a tract of sixteen thousand and fifty acres on Leatherwood which county had been cut off from the state and named after him at the session

<sup>1</sup> She died February 14, 1831.

<sup>2</sup> It is a striking incident that the county named after him should have been divided, and a part of it named after an American orator.

This purchase is referred to by Mr. Jefferson in his communication to Mr. Wirt. After mentioning Mr. Henry's practice in the General Court, he adds: "He now purchased from Mr. Lomax the valuable estate on the waters of Smith's River, to which he afterward removed. The purchase was on long credit, and finally paid in depreciated paper not worth oak leaves."<sup>1</sup> This statement, so plainly derogatory of Governor Henry, is without foundation, except as to the facts of purchase and subsequent residence. The title of Mr. Lomax was disputed, and to establish this and obtain partition of the lands he instituted a suit in the High Court of Chancery. The answer of Governor Henry in this suit, sworn to on June 18, 1782, states that he had fully paid for his purchase by parting with other lands of equal value, in his opinion, for the purpose of raising the money, having given a shorter credit for the lands sold by him than what was allowed him in his purchase, that the payments might be punctually made.<sup>2</sup> From the answer of his widow to a bill filed to wind up his estate after Governor Henry's death, it is learned that this purchase was in 1778, and for the sum of £5,000. His private papers corroborate this, and show the payments to have been as follows:

1778, May 30, five half Johannes at 46/ each.....	£ 18
" October 23, cash.....	500
" " Bond due December 1, 1778.....	1,482
" " Bond due December 1, 1779.....	3,000
	<hr/> £5,000

The bond for £1,482 is simply endorsed "contents received," without date to the endorsement, and

<sup>1</sup> Historical Magazine for August, 1867, 93.

<sup>2</sup> MS.

was very certainly paid at or about maturity, as the last bond was paid on the day of its maturity by a tobacco note for 10,000 pounds of tobacco, which were delivered a short while afterward.<sup>1</sup> This last bond would not have been paid had the other been still due. The lands sold to meet these payments were the two tracts in Botetourt at £3,500, and 5,000 acres in Kentucky at £1,500. This last was sold to his brother-in-law, Thomas Madison. Colonel William Christian made these sales for him, as appears by his account rendered April 7, 1780.<sup>2</sup>

When the purchase was made paper money had depreciated till it was worth only one-fifth of specie, and that it would further depreciate was apparent, so that the price was fixed with reference to this fact. When the payment of £500 was made in October, the depreciation was no greater than in May. In December 1778, it was one-sixth, and in December 1779, it had increased to one-fortieth of specie.<sup>3</sup> The price of the tobacco notes

<sup>1</sup> The settlement of this last bond is shown by an account rendered by Walter Coles, who made it. The writer has the receipts for the two cash payments and the first bond.

<sup>2</sup> MS.

<sup>3</sup> *Scale of Depreciation used in the Auditor's Office of Virginia during the Revolution.*

	1777.	1778.	1779.	1780.	1781.
January.....	1½	4	8	42	75
February.....	1½	5	10	45	80
March.....	2	5	10	50	90
April.....	2½	5	16	60	100
May.....	2½	5	20	60	150
June.....	2½	5	20	65	250
July.....	3	5	21	65	400
August.....	3	5	22	70	500
September.....	3	5	24	72	600
October.....	3	5	28	73	700
November.....	3	6	36	74	800
December.....	4	6	40	75	1,000

then used was not over one-twentieth of the old price.

It thus appears that Governor Henry bought the Leatherwood lands for paper money when it was greatly depreciated, paid for them entirely within nineteen months, using tobacco notes, worth about double paper money, for more than half the purchase, and selling other lands of equal value after his purchase to meet his payments. His conduct in the matter is therefore without reproach, and Mr. Lomax so considered it, as he gave him a deed and asked the court in his bill to set off to him his full purchase.

On May 29, 1778, a message was sent by the Senate informing the House that Patrick Henry was the only person nominated for the office of Governor for the ensuing year, and proposing that he be appointed without ballot, whereupon it was "Resolved unanimously, that his Excellency Patrick Henry, Esq., be appointed Governor or Chief Magistrate of the commonwealth for one year, to commence from the expiration of the term for which he was last appointed." And it was "ordered that Mr. Jefferson do carry the said resolution to the Senate, and desire their concurrence."<sup>1</sup> This was done, and upon the announcement of the concurrence of the Senate, Mr. Jefferson was appointed Chairman of the House Committee to communicate his reelection to Governor Henry. On May 30, he reported the following reply :

"Gentlemen: The General Assembly in again electing me governor of this commonwealth, have

<sup>1</sup> House Journal, 26.





done me very signal honour. I trust that their confidence thus continued in me, will not be misplaced.

“I beg you will be pleased, gentlemen, to present me to the General Assembly, in terms of grateful acknowledgment for this fresh instance of their favour toward me; and to assure them, that my best endeavours shall be used to promote the public good, in that station to which they have once more been pleased to call me.”<sup>1</sup>

As it is usual to impose upon the member making the nomination the offices performed by Mr. Jefferson on this occasion, it may be safely concluded that he put Governor Henry in nomination. But, however this may be, his action, as shown by the Journal, proves that Mr. Jefferson did not believe Governor Henry had been guilty of complicity in any previous scheme to establish a dictatorship, so strongly denounced by him soon afterward in his “Notes on Virginia.”

<sup>1</sup> House Journal, 30.







$$f(x) = \frac{1}{2} \left( 1 + \frac{x}{\sqrt{1+x^2}} \right)$$

2

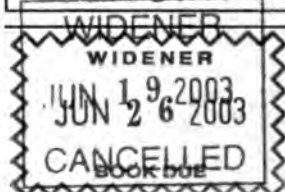
1. The first part of the document is a list of names and dates, which appears to be a record of some kind. The names are written in a cursive script, and the dates are in a more formal, printed style. The list is organized into two columns, with names on the left and dates on the right. The names are: John Smith, James Brown, and William Jones. The dates are: 1810, 1811, and 1812.



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